

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.16282 of 2015**

Arising Out of PS.Case No. -1647 Year- 2013 Thana -SARAN COMPLAINT CASE District-  
SARAN

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1. Binod Kumar Mahto S/o Ram Ekbal Mahto Resident of Village Rampur  
Pithaghat, P.S. Garkha, Disrict Saran at Chapra.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Shrimati Munni Devi W/o Binod Kumar Mahto, D/o Sukh am Mahto  
Village Rampur, P.S. Garkha, District Saran at present Village Harpur  
Nandpur, P.O. Parmnandpur, P.S. Naya Gaon, District Saran at Chapra.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Parmanand Kumar (App)

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**CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA**  
**ORAL ORDER**

2      25-06-2015      Heard.

As regards maintainability of this petition the Court was taken aghast when it went through the operative part of the order passed by the learned Sessions Judge, Saran dated 03.02.2015. The learned Sessions Judge had directed that no coercive steps be taken against the petitioner and disposed of the petition in the light of the Supreme Court judgment in the case of Arnesh Kumar v. State of Bihar & Anr. reported in 2014(3) PLJR 314.

Petition under Section 438 Cr.P.C. could be maintainable by any competent court only when a reasonable apprehension is shown existing for the apprehension of the accused on accusation

of having committed a cognizable non-bailable offence. That question having been eliminated by the order passed by the learned Sessions Judge, the petition itself is not maintainable.

Filing the petition and thus, wasting the Court's time has been seriously viewed by this Court and the Court dismisses the petition with a cost of Rs.500/- (five hundred) only to be realized from the petitioner as fine as per the procedures set down in that behalf in the Cr.P.C. If the fine is realized the same shall be paid to the District Legal Services Authority, Saran at Chapra.

**(Dharnidhar Jha, J)**

B.Kr./-Anjani.

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