

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25159 of 2015

Arising Out of PS.Case No. -207 Year- 2014 Thana -SAHEBGANJ District- MUZAFFARPUR

Prabhu Narain Singh S/o Late Kailash Singh Resident of Village Narauni
Parshurampur, P.S. Pipra, District Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate

For the Opposite Party : Mr. P.K.Choursiya, APP

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 08-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Prabhu Narain Singh, in connection with Sahebganj Police Station Case No. 207 of 2014 under Section 302/307 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 09.09.2014, passed, in A.B.P. No. 1609 of 2014, by the learned Sessions Judge, Muzaffarpur, dismissing the said application for pre-arrest bail.

Heard Mr. Arun Kumar, learned Counsel for the petitioner, and Mr. P. K. Chourasiya, learned Additional Public Prosecutor, appearing on behalf of the State.

It is submitted on behalf of the petitioner that though he had made the submission, in the application, made under Section 438 of the Code of Criminal Procedure, which had given



rise to A.B.P. No. 1609 of 2014, in the Court of learned Sessions Judge, Muzaffarpur, that he was not involved in the occurrence alleged, the learned Sessions Judge has, on the basis of the submission made by the learned Prosecutor, rejected the petitioner's prayer for pre-arrest bail and though this application was made seeking pre-arrest bail, the petitioner has, now, decided to move the learned Sessions Judge by making yet another application for pre-arrest bail, drawing his kind attention to the fact that the petitioner was not involved in the occurrence of alleged act of burning of Indu Devi.

It is also submitted, on behalf of the petitioner, that the petitioner may be allowed to withdraw this case with liberty to come back to this Court, in future, if so advised. In the meanwhile, the petitioner will make an application for pre-arrest bail in the Court of the learned Sessions Judge.

No objection has been raised to the prayer for withdrawal made by the petitioner.

In view of above and in the interest of justice, the application is hereby disposed of as withdrawn with liberty aforementioned.

It is further made clear that in case, the petitioner applies for bail, as has been sought for on his behalf, learned Sessions Judge shall look into the prayer for pre-arrest bail on the

basis of the materials available and not merely on the basis of the submission, which may be made by the learned Prosecutor.

(I. A. Ansari, J.)

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