

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5212 of 2015

Arising Out of Complaint Case No. -578 of 2014 Thana -NAWADAH
COMPLAINT CASE District- NAWADA

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1. Rajendra Prasad @ Rajo Mahto S/O Late Rameshwar Mahto, Resident
of vill-Mirchak,P.S-Warisaliganj, Distt.-Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Rina Devi, D/o Krishndeo Pd., W/o Rajeev Kumar, village Mirchak, P.S.
Warisaliganj, District Nawada, at present village Katrisarai, P.S.
Katrisarai, district Nalanda

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

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

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

5 16-07-2015 This is an application, made under Section 438 of the
Code of Criminal Procedure, seeking pre-arrest bail by the
petitioner, namely, Rajendra Prasad @ Rajo Mahto, in connection
with Complaint Case No. 578 of 2014 under Sections 498(A) of
the Indian Penal Code and Section 4 of Dowry Prohibition Act.

Perused the above application, and materials on record
including a copy of the order, dated 12.08.2014, passed, in A.B.P.
No. 673 of 2014, by the learned Sessions Judge, Nawada, rejecting
the said application for pre-arrest bail.

Heard Mr. Birendra Kumar, learned counsel for the
petitioner, and Mr. Ashok Kumar, learned APP, appearing for the
State.

In view of the fact that at the instance of the petitioner, the investigation of Warisaliganj P.S. Case No. 42 of 2015 has been directed to be dropped by order, dated 19.06.2015, by the learned Chief Judicial Magistrate, Nawadah, the petitioner cannot be said to have any apprehension of being arrested in connection with the police case aforementioned.

As far as the *complaint case* aforementioned is concerned, no warrant of arrest has, admittedly, been issued and, therefore, the petitioner cannot be given the benefit of pre-arrest bail in the complaint aforementioned either.

Considering the fact that the order, dated 19.06.2015, is *prima facie* without jurisdiction, Registry is hereby directed to register *suo motu* revision as against the order, dated 19.06.2015, passed by the learned Chief Judicial Magistrate, Nawadah, and list the same accordingly.

Keep the copy of the order, dated 19.06.2015, passed by the learned Chief Judicial Magistrate, Nawadah, and produced by the learned counsel for the petitioner, on record.

(I. A. Ansari, J)

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