

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41251 of 2016

Arising Out of PS.Case No. -222 Year- 2015 Thana -BARHARIA District- SIWAN

- =====
1. Raja Hussain son of Late Hanif Ansari,
 2. Khajmuddin Ansari son of Raja Hussain,
 3. Asma Khatoon @ Azma Khatoon wife of Raja Hussain,
 4. Phool Mohammad Ansari son of Late Hanif Ansari
 5. Hassan Imam Ansari @ Hassane Imam Ansari @ Hassan Imam son of Phool Mohammad,
- All are residents of village- Bibi Ka Bangra, P.S.- Barharia,
District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-10-2016 This application for grant of pre-arrest bail filed under section 438 of the Code of Criminal Procedure (for short 'CrPC') is a gross abuse of process of the court.

It had been submitted by the learned counsel for the petitioners that during investigation the petitioners were granted police bail and they have never misused the privilege of bail granted to them by the police.

On the basis of the self same submission made by the petitioners, this Court vide order dated 25.5.2016 passed in Cr.Misc. No.21588 of 2016 had held that the application filed

under Section 438 of the CrPC was not maintainable.

Despite having failed in their attempt to get an order of pre-arrest bail, the petitioners have ventured to file another application under Section 438 of the CrPC within four months of disposal of the earlier application on 20th September, 2016.

Having regard to the facts of the case, I am constrained to observe that the learned counsel for the petitioners has not properly advised his client in this case.

The application is dismissed accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

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