

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 48557 of 2016

Arising Out of PS.Case No. -263 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Chandan Singh, S/o Late Kishori Singh, Resident of Village- Shri Krishnpur @ Sarkaspur, P.S.- Saraiya, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar

2. Nishi Priya, W/o- Chandan Singh, at present- D/o- Rajeswar Singh, Village- Baniyan, P.S.- Saraiya, District- Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani

For the Opposite Party/s : Mr. Sunil Kumar Pandey
Mr. Pramod Rajpati

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 07-12-2016 Sri Sanjay Parasmani, learned counsel for the petitioner, in presence of Sri Sunil Kumar Pandey, learned Addl. Public Prosecutor as well as Sri Pramod Rajpati, learned counsel, who has appeared on behalf of complainant/opposite party no. 2, submits that in complaint petition no. 263 of 2015, after order of cognizance, till date only bailable warrant of arrest has been issued. Meaning thereby that there is no apprehension of arrest and as such, the present petition filed under Section 438 of the Cr.P.C. may not be entertained.

It goes without saying that if within a period of six weeks from today the petitioner appears before the court below



and files a petition for grant of bail, the learned court below, considering the fact thatailable warrant of arrest has been issued, may entertain the petition for grant of bail in its right perspective, preferably on the same date.

The petition stands disposed of.

(Rakesh Kumar, J.)

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