

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60661 of 2017

Arising Out of PS.Case No. -100 Year- 2013 Thana -SARAIYA District- MUZAFFARPUR

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Ram Babu Chaudhary, son of Late Mahadeo Chaudhary, resident of village-
Bakhra, P.S.- Saraiya, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.
Party/s

.... Opposite

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the State : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Saraiya P.S.Case No.100 of 2013 registered under Sections 341,
323, 307, 379, 340/34 of the Indian Penal Code.

In view of the fact that in course of investigation the
petitioner was granted bail by the police, the instant application
filed under Section 438 of the Code of Criminal Procedure is not
maintainable. Accordingly, it is dismissed as not maintainable.

In case the petitioner surrenders and seeks bail, the court
below shall be required to take into consideration the ratio laid
down in the case of **Mahendra Prasad Singh vs. The State of
Bihar, [(2004(3) PLJR 491].**

Md.S./-

(Ashwani Kumar Singh, J)

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