

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46020 of 2017**

Arising Out of PS.Case No. -161 Year- 2015 Thana -BARUN District- AURANGABAD

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1. Sarfaraz Ansari son of Md. Abbas Ansari

2. Md. Abbas Ansari son of Late Pir Mohammad

Both are resident of village - Jogiya, P.S.- Barun, District-  
Aurangabad.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the State : Mr. Dr.Mrityunjaya Kumar Gautam, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      04-10-2017                      Heard learned counsel for the petitioners and learned  
counsel for the State.

The petitioners seek pre-arrest bail in connection with  
Barun P.S. Case No.161 of 2015 registered under Sections 427  
and 353/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners  
that the petitioners were on police bail. However, after submission  
of the charge-sheet they have apprehension that the court may  
remand them to custody on surrender and, thus, the instant  
application has been filed under Section 438 of the Code of  
Criminal Procedure (for short 'the CrPC').

In my opinion, the application filed under Section 438 of



the CrPC is not maintainable in view of the fact that during investigation the petitioners were apprehended by the police and granted bail on personal bond.

In that view of the matter, they may surrender before the court below and seek bail in the light of the ratio laid down by this court in several cases.

The application is disposed of.

**(Ashwani Kumar Singh, J)**

Md.S./-

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