

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5646 of 2018

Arising Out of PS.Case No. -69 Year- 2016 Thana -BARAHIYA District- LAKHISARAI

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1. Nawin Kumar Singh @ Navin Kumar S/o Upendra Singh, R/o village-Dumri, P.S.- Barahiya, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Raju, Adv.

For the Opposite Party/s : Mr. Sri Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with Barhiya P.S.Case No. 69 of 2016 registered under Sections 147, 148, 149, 307, 353, 427, 337, 171-F of the Indian Penal Code and Sections 130(2) and 131(2) of the Representation of Peoples Act.

From perusal of the order dated 09.06.2017 passed by the learned Sessions Judge, Lakhisarai in A.B.P. No. 327 of 2017 refusing to grant pre-arrest bail to the petitioner, it would be manifest that he has taken note of the fact that the petitioner had made a wrong averment in his petition that he had no criminal history. Taking note of the fact that the petitioner tried to obtain a



favourable order by giving wrong information in a judicial proceeding, the learned Session Judge refused to extend him the privilege of pre-arrest bail.

In the opinion of this Court, the learned Sessions Judge has rightly denied grant of pre-arrest bail to the petitioner, as he had not approached the court with clean hands.

Thus, I see no reason to take a different view of the matter while exercising concurrent jurisdiction under Section 438 of the Cr.P.C.

However, in case the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner either by the order passed by the learned Sessions Judge or the order passed by this Court.

(Ashwani Kumar Singh, J)

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