

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18257 of 2018

Arising Out of PS.Case No. -919 Year- 2014 Thana -KHAZANIHAT District- PURNIA

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Mirtunjay Kumar son of Late Ravindra Yadav, Resident of Village-
Maranga, P.S.- K. Hat (Maranga), District- Purnia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the State : Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with K.
Hat P.S. Case No.919 of 2014 registered under Sections 341, 323,
324, 325, 307 and 379 read with 34 of the Indian Penal Code (for
short 'the IPC').

It is submitted by the learned counsel for the petitioner
that during investigation the police found the allegation to be true
only for the bailable offence and thus, submitted charge-sheet
under Sections 341, 323, 324 and 325 of the IPC. However,
differing with the opinion of the police, the learned Chief Judicial
Magistrate, Purnia took cognizance of the offences punishable



under sections 307 and 379 read with 34 of the IPC.

From perusal of the order impugned, it would transpire that the petitioner was granted bail by the police in course of investigation. If that is so, the application under Section 438 of the Code of Criminal Procedure would not be maintainable.

In that view of the matter, the application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

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