

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5625 of 2018

Arising Out of PS.Case No. -161 Year- 2017 Thana -BALIA District- BEGUSARAI

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Ravindra Sharma, son of Bhogendra Sharma @ Yogendra Sharma,
Resident of Village- Lakhiminiya, P.S.- Ballia, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Balak Sharma, son of Ram Sharan Sharma, Resident of Mohalla-
Munger Chandi Ashtan, P.S. -Munger, District- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the State : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Ballia P.S. Case No.161 of 2017 registered under Section 498A of
the Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.

By order dated 01.09.2017 passed in A.B.A No.970 of
2017, the learned Sessions Judge, Begusarai granted the petitioner
pre-arrest bail in the event of his arrest or surrender within fifteen
days from the date of order failing which it was directed that pre-
arrest bail order will be automatically cancelled. The petitioner
failed to appear within the stipulated time and, thus, the effect was



that the pre-arrest bail granted by the court below stood cancelled. Again the petitioner moved for grant of pre-arrest bail numbered as A.B.A. No.1342 of 2017 before the learned Sessions Judge, Begusarai which was dismissed as not maintainable vide order dated 14.11.2017.

It is submitted by the learned counsel for the petitioner that the petitioner is younger brother of the husband of the victim. The husband of the victim, namely, Jitendra Sharma has already been granted pre-arrest bail vide order dated 13.12.2017 passed in Cr. Misc. No.60699 of 2017 by a Bench of this Court. He submitted that under the circumstances the petitioner deserves to be granted pre-arrest bail in the light of the judgment of this Court in Md. Naimul Haque Ansari @ Naimul Haque Ansari vs. State of Bihar, reported in 2006(3) PLJR 182.

On the other hand, learned counsel for the State submitted that as the petitioner failed to surrender before the court within the stipulated time by which the learned Sessions Judge has granted pre-arrest bail to the petitioner, the court below has rightly held that the second application for grant of pre-arrest bail to be not maintainable.

I have heard learned counsel for the parties.

Considering the facts and circumstances of the case, in



the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No.161 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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