

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1135 of 2018

Arising Out of PS.Case No. -60 Year- 2013 Thana -ANGARGHAT District- SAMASTIPUR

- =====
1. Surendra Sahni @ Sulindra Sukni son of Nandan Sahni
 2. Asha Devi wife of Surendra Sahni
 3. Mantun Sahni son of Ram Bilas sahani

All are resident of village- Chaïta Sought Tola, Sagma, P.S. Angarghat,
District- Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 19-01-2018

Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection
with Angarghat P. S. Case No. 60 of 2013 registered under
Sections 147, 148, 341, 342, 323, 324, 307, 379 and 504 of the
Indian Penal Code and 27 of the Arms Act.

It is submitted by the learned counsel for the
petitioners that prior to submission of charge-sheet, the
petitioners were on police bail and since the charge-sheet has
been submitted *inter alia* under Section 307 of the Indian Penal
Code, the petitioners apprehend their arrest at the hands of the



police.

In the opinion of this Court, the argument advanced by the learned counsel for the petitioners is misconceived. Once the police granted bail to the petitioners, an application under Section 438 of the Criminal Procedure Code would not be maintainable.

In that view of the matter, the application is dismissed as not maintainable.

The petitioner may surrender and seek bail in the light of the facts and law involved in this case.

(Ashwani Kumar Singh, J.)

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