

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.571 of 2019

Arising Out of PS. Case No.-235 Year-2018 Thana- JOGBANI District- Araria

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Ram Niwas Sah @ Mahakal, aged about 40 years, Male, son of Lal Chand Sah, Resident of Village - Tikuliya Basti, P.S.- Jogbani, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Law Secretary, Bihar, Patna.
2. The Registrar General, Patna High Court, Patna.
3. The Registrar, Civil Court, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Respondent/s : Mr. Sunil Kumar Mandal, SC III

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 03-04-2019 Heard Sri Ashok Kumar Singh, learned counsel for the petitioner and Sri Sunil Kumar Mandal, learned Standing Counsel No. III.

The petitioner, who is in custody on remand order passed by Special Judge has approached this court invoking its writ jurisdiction for setting aside order dated 17.12.2018 by which the learned Sessions Judge- cum- Special Judge, Araria has rejected the petition filed on behalf of the petitioner under Section 167(2) of the Code of Criminal Procedure, 1973 on the ground that on the date of order charge sheet was already submitted.

Sri Mandal, learned State Counsel has drawn my



attention to Annexure- 6 to the petition i.e. order dated 06.02.2019 passed in Cr. Misc. No. 7031 of 2019 and submits that after rejection of the said petition petitioner had approached this court for grant of regular bail however it stood dismissed as withdrawn and now criminal writ petition has been filed. Fact remains that at the time of hearing of this petition the petitioner is in custody on the strength of remand order passed by the court below and as such criminal writ is not maintainable.

The petition stands dismissed.

(Rakesh Kumar, J)

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