

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77505 of 2018

Arising Out of PS. Case No.-330 Year-2016 Thana- GRIYAK District- Nalanda

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Rajiv Kumar S/o Moti Mahto, R/o Vill.- Devisarai, P.S.- Deepnagar, District-
Nalanda.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate
For the Opposite Party/s : Mr. Sahin Begam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 23-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Giriyak P. S. Case No.330 of 2016 registered under Sections
414 of the Indian Penal Code.

From a perusal of the order dated 31.10.2018 passed
by the learned Additional Session Judge-III, it would appear that
considering the allegation made in the FIR, which was
registered against unknown, the case-diary and the records of
the court below was summoned, but even before the diary could
have been received, he rejected the application filed by the
petitioner under Section 438 of the Code of Criminal Procedure
merely on asking of the counsel for the petitioner that his
application be disposed of even without waiting for the receipt



of the case-diary. Since the order dated 31.10.2018 passed in ABP No. 3560 of 2018 reflects that due to insistence of the counsel to dispose of his application, the court below has rejected the same even without considering the materials collected in course of investigation, I am not inclined to hear the application of the petitioner on merit.

The application is disposed of with liberty to the petitioner to approach the court below by way of filing another application for grant of pre-arrest bail. In case such an application is filed, the court below shall summon the case-diary first and after looking into the materials available on record pass the order in accordance with law.

(Ashwani Kumar Singh, J)

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