

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70827 of 2021

Arising Out of PS. Case No.-275 Year-2014 Thana- MAHNAR District- Vaishali

1. Ram Babu Rai Son of Sri Bhimar Rai Resident of Village- Narayanpur Dedhpura, P.S.- Mahnar, District- Vaishali.
2. Rupesh Kumar Rai @ Rupesh Kumar Son of Ram Babu Rai Resident of Village- Narayanpur Dedhpura, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uma Shankar Singh, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-07-2022 This application has been listed under the heading
“For Orders”.

Registry has pointed out several defects in the present application.

Mr. Uma Shankar Singh, learned counsel for the petitioners submitted that the defects are mainly because only e-filing of the applications are permitted by the Court. He submitted that the defects can be removed only after filing of hard copy is permitted. He undertook that even if the applications are heard and disposed of on merit, in due course of time, when the Court would permit filing of hard copy, the defects pointed out by the registry would be removed.

In view of the submissions made by the learned counsel for the petitioners, with consent of the parties, the



application has been taken up for hearing on merit.

In the present application preferred under Section 438 of the Code of Criminal Procedure, the petitioners have prayed for grant of pre-arrest bail in connection with Mahnar P.S. Case No.275 of 2014 registered for the offences punishable under Sections 341, 326, 324, 504, 506, 307, 379/34 of the Indian Penal Code.

At the outset, it is submitted by the learned counsel for the petitioners that during investigation, the petitioners were granted provisional bail.

In that view of the matter, I am of the opinion that the present application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail is not maintainable. Accordingly, it is dismissed as not maintainable.

It is made clear that this Court has not considered the merit of the case. In case the petitioners surrender and seek bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

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