

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29181 of 2014

Arising Out of PS.Case No. -265 Year- 2013 Thana -MAIRWA District- SIWAN

Praduman Singh, Son of Bharat Singh, Resident of Village – Mairwa Tola
Sakara, P.S. – Mairawa, District – Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Anil Pd. Singh(App)

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 07-01-2015

Heard both sides.

The petitioner Praduman Singh seeks bail in Mairawa
P.S. Case No. 265 of 2013, registered for the offences punishable
under Sections 364, 302/34 of the Indian Penal Code.

The informant alleged that the petitioner and others
kidnapped his daughter Kumari Nisha and the dead body of
Kumari Nisha was found on the railway track. The police after
investigation submitted final form finding the case true under
Section 306 and other Sections of the Indian Penal Code.

Learned counsel for the petitioner submits that the
written petition is dated 15.11.2013, but the FIR was lodged
17.11.2013 and the FIR was sent to the court on 19.11.2013. One
of the co-accused namely Mantoo Singh @ Krishna Pratap Singh
on similar allegation was granted bail by this Court vide order

dated 26.09.2014 passed in Cr. Misc. No. 36522 of 2014.

It appears that nobody is eye witness of the occurrence and the police after investigation submitted final form under Section 306 of the Indian Penal Code.

Considering the facts aforesaid and the fact that the co-accused whose case stands on similar footing has already been enlarged on bail, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in Mairwa P.S. Case No. 265 of 2013.

“Before parting this order, it appears that the S.H.O., Mairawa police station has sent the FIR to the court after two days of the institution of the case, although the petition was dated 15.11.2013, but the FIR was lodged on 17.11.2013 and the FIR was sent to the court on 19.11.2013. There appears that the S.H.O. and the Investigating Officer of the case with ulterior motive sent the FIR to the court after two days of its institution. Although the law mandates that the FIR must reach to the court within 24 hours from its institution. The S.P. Siwan is directed to take necessary action against such erring police officials who from the inception of the case bent upon to help the accused by sending the FIR to the

court after much delay. The S.P. must send his report to this court about the action taken against these police officials without delay.”

Let a copy of this order be sent through FAX to the

S.P. Siwan.

(Prabhat Kumar Jha, J.)

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