

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15556 of 2015

Arising Out of PS.Case No. -27 Year- 2014 Thana -MAHESHKHUT District- KHAGARIA

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1. Santosh Kumar Singh @ Santosh Singh S/o Arjun Singh @ Tribhuwan Prasad Singh Resident of Village Ramchandrapur, P.S. Maheshkhut, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Mr. Pradeep Narayan Kr.(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 02-09-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Maheshkhut P.S. Case No. 27 of 2014 registered for the offences punishable under sections 406, 409, 420, 120-B of the Indian Penal Code.

It is contended that initially the case was registered as a complaint case which was referred to the police in a mechanical manner under Section 156 (3) of the Code of Criminal Procedure for investigation. The complainant had neither filed any application under Section 154(1) or 154(3) of the Code of Criminal Procedure nor the complaint was filed on affidavit. It has been contended that the instant FIR is in contravention to the law laid down by the Supreme Court in **Priyanka Srivastava and**

Another Vs. State of Uttar Pradesh and others (2015) 6 SCC

287. It is further contended that on merits too, there is hardly any material to connect the petitioner with the alleged occurrence.

On the other land, learned counsel for the State has opposed the prayer for bail. He has submitted that several persons including the informant of the case were cheated by the accused persons including the petitioner.

So far the informant is concerned, he is said to have deposited Rs. 1200/- with one LT Finance Limited and the said amount was never refunded to him.

Regard being had to the facts and circumstances, in the event of arrest or surrender before the court below within four weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Maheshkhut P.S. Case No, 27 of 2014, G.R. No. 392 of 2014, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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