

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28913 of 2016

Arising Out of PS.Case No. -94 Year- 2012 Thana -VAISALI COMPLAINT CASE District-
VAISHALI (HAJIPUR)

Surendra Prasad Singh @ Surendra Kumar Singh, son of Bhola Prasad Singh, resident of Mohalla-Chaudhary Tola (Azad Lane), P.S.- Sultanganj, District -Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi, wife of Ramesh Pandit, resident of village- Shekhopur Dadhia, P.S.- Bhagwanpur, District- Vaishali.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. L.K. Sharma, Advocate
Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 26-10-2016

Despite valid service of notice, the opposite party no.2 has neither appeared in person nor is she appearing through any lawyer.

The petitioner seeks pre-arrest bail in connection with Complaint Case No. C1-94 of 2012 corresponding to Tr. No. 1080 of 2015 under which cognizance has been taken for the offence punishable under Section 302/34 of the Indian Penal

Code.

It is contended by Mr. Ramakant Sharma, learned Senior Counsel for the petitioner that initially an FIR was instituted against the petitioner and on completion of investigation, the police found the accusation against the petitioner to be false. Accordingly, the petitioner was not sent up for trial. The report submitted by the police was also accepted by the Magistrate. However, a petition was filed by the informant of the case during investigation making complaint against the investigating agency in the matter of investigation of the case. After the final report was accepted, the said protest petition was directed to be registered as a complaint and on the basis of the said complaint the order taking cognizance has been taken and the petitioner has been summoned to face trial.

It is submitted that the father-in-law of the complainant had died an unnatural death and an U.D. case in this regard was also registered by Sub-Inspector of Police Gyaneshwar Jha. It is also contended that the present prosecution is malicious in nature and the petitioner, who was found innocent during investigation by the police, has got roots in the society and is not likely to abscond or tamper with the evidence.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. However, he concedes that during investigation the police did not find any materials as against the petitioner.

Regard being had to the facts and circumstances of the case, the provisional pre-arrest bail granted to the petitioner by this Court, vide order dated 27.07.2016, is hereby confirmed.

(Ashwani Kumar Singh, J.)

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