

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42081 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -ASHTHWAN District- NALANDA
(BIHARSHARIFF)

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Santosh Kumar S/o- Vijay Prasad, Resident of Village- Sultanpur, P.S.-
Hilsa, District- Nalanda. He was a Kisan Salahkar in Gram Panchayat Raj
Andi, P.S. Asthawan, District Nalanda in the relevant period.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Prasad Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 22-09-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Asthawan P. S. Case No. 42 of 2017 registered under Sections
409, 403, 420, 467, 468, 471 & 120-B of the Indian Penal Code.

It is contended by the learned counsel for the
petitioner that a complaint case was instituted by one Brajraj
Garai against altogether 29 accused persons including the
petitioner on 25.01.2017. Though a statement has been made in
paragraph 10 of the complaint that the complainant approached
the police for institution of the FIR, no affidavit has been filed
in this regard. He submitted that the learned Magistrate, vide
order dated 09.02.2017, referred the said complaint to the police



in exercise of power conferred under Section 156(3) of the Code of Criminal Procedure for investigation violating the ratio laid down by the Supreme Court in **Priyanka Srivastava & Anr. vs. State of U. P. & Ors [(2015) 6 SCC 287]**.

Learned Additional Public Prosecutor for the State has opposed the prayer for pre-arrest bail. He has submitted that the petitioner was a Kisan Salahkar and his complicity has also been alleged in distribution of compensation to the beneficiaries affected due to natural calamities.

Having considered the facts and circumstances of the case, 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 ACJM-V, Nalanda at Bihar Sharif in Asthawan P. S. Case No. 42 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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