

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.58417 of 2017**

Arising Out of PS.Case No. -16 Year- 2017 Thana -PAHARPUR District-  
EASTCHAMPARAN(MOTIHARI)

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Sandeep Kumar Jha @ Sandeep Jha, son of Sri Anil Jha, resident of  
village- Dudhiyawa, P.S.- Paharpur, District- East Champaran, at present  
village- Jabdaul, P.S.- Chanpatia, District- West Champaran.

.... .... Petitioner/s

**Versus**

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the State : Mr. Zainul Abedin, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR  
SINGH**

ORAL ORDER

2      12-12-2017                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner seeks pre-arrest bail in connection with  
Paharpur P.S. Case No.16 of 2017 registered under Sections 341,  
323, 327, 379, 420, 466, 467, 468, 471 and 120B of the Indian  
Penal Code and Section 9/10 of the Child Marriage Restrained  
Act, 1929.

It is submitted by the learned counsel for the petitioner  
that institution of the FIR on the basis of the complaint is against



the ratio laid down by the Supreme Court in **Priyanka Srivastava & Anr. vs. State of Uttar Pradesh & Ors. [(2015)6 SCC 287]** as the complainant has not whispered anywhere that he ever approached the police for institution of FIR under Section 154(1) and 154(3) of the Code of Criminal Procedure. He submitted that earlier the informant had lodged Motihari P.S. Case No.588 of 2016 for kidnapping his daughter under Sections 363 and 366 of the Indian Penal Code against the accused persons in which his daughter denied the allegations in her statement recorded under Section 164 Cr.P.C. and after due investigation Final Report No.506 of 2016 dated 30.11.2016 as 'mistake of fact' was submitted before the court below, whereafter, he chose to file the complaint case.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner.

Considering the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Paharpur P.S. Case No.16 of 2017, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J)**

Md.S./-

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