

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50775 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -PIRI BAZAR District- LAKHISARAI

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1. Deepa Kumari, daughter of Late Sanjiv Singh @ Navin Singh, Resident of Village- Bariyarpur, P.S.- Piri Bazar, District- Lakhisarai, at present-wife of Manish Kumar, Resident of Village- Nawadih Maldip Nagar, P.S.- Khaira, District- Jamui.
 2. Manish Kumar (Identifier of Deed No. 20 dated 07/01/2017), son of Ramanuj Singh, Resident of Village- Nawdiha, P.S.- Khaira, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Piri Bazar P.S. Case No. 16 of 2017 registered under Sections 409, 420, 467, 468, 406, 384 and 506/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that a false and concocted case has been instituted against the petitioners. He submitted that petitioner no.1, namely, Deepa Kumari, is sister of co-accused Abhishek Kumar and niece of the informant and petitioner no.2 is her husband. He submitted that it is an admitted case of the informant that there is suit for partition



which is pending in which brother of petitioner no.1 is one of the contesting party and from perusal of the report submitted by the police it appears that the brother of petitioner no.1 is also residing upon the land in question as co-sharer. He further submitted that a civil dispute has been given a colour of criminal case in order to humiliate and harass the petitioners.

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

Having regard to the submissions made above as also the fact that the first information report has been instituted on the basis of a complaint which was referred to the police in exercise of power conferred under Section 156(3) of the Code of Criminal Procedure without there being any averment in the complaint that the complainant had approached the police for institution of FIR under Sub Sections (1) and (3) of Section 154 of the CrPC, in the event of arrest or surrender before the court below within six weeks from today, the petitioners are 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 Sub Divisional Judicial Magistrate, Lakhisarai in connection with Piri Bazar 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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