

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50218 of 2017

=====

1. Renu Devi, Wife of Ramnath Giri,
2. Ramnath Giri, Son of Sugriv Giri,
3. Sujit Kumar, Son of Ramnath Giri,
4. Manjit Kumar @ Manjit Kumar Giri @ Manjit Giri, Son of Ramnath
Giri,
All residents of Village- Parsauna Tapasi, P.S.- Palanwa, District- East
Champaran.

.... Petitioners

Versus

The State of Bihar. Opposite Party

=====

Appearance :

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

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 09-11-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Palanwa P.S. Case No.12 of 2017 registered under Sections
406, 420, 387 and 504 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that the FIR has been instituted on the basis of a
complaint which was sent to the police for investigation in



exercise of power conferred under Section 156(3) of the Cr.P.C. He submitted that the complaint was not supported by an affidavit duly sworn by the complainant that prior to the lodging of complaint an effort was made under Sections 154(1) and 154(3) of the Cr.P.C. for institution of the FIR. He submitted that even institution of the case is contrary to the law laid down by a three Judge Bench of the Supreme Court in **Ramdev Food Products Private Limited & Ors. Vs. State of Gujarat [(2015) 6 SCC 439]**; **Priyanka Srivastava & Anr. Vs. State of Uttar Pradesh & Ors. [(2015) 6 SCC 287]**. He submitted that even otherwise it would manifest from the record that prior to the lodging of the present case, the petitioner no.1 had instituted a case numbered as Palanwa P.S. Case No. 2 of 2017 against the informant and others and due to this, the complainant has lodged the present case with false and concocted story.

On the other hand, learned counsel for the State submitted that in terms of the order passed by Constitution Bench of the Supreme Court in **Lalita Kumari vs. Government of Uttar Pradesh and Ors. [(2014) 2 SCC 1]**, the institution of the FIR on the basis of a complaint cannot be said to be bad.

Be that as it may, regard being had to the nature of



the offence and the submissions made above, in the event of arrest or surrender in 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/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Raxaul, Motihari, East Champaran in connection with Palanwa P.S. Case No. 12 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	
---	--	---	--

