

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21178 of 2017

Arising Out of PS.Case No. -67 Year- 2016 Thana -BAIRIYA District- WEST CHAMPARAN
(BETTIAH)

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Ajay Baitha @ Ajay Kumar Baitha, Son of Mosafir Baitha, Resident of
Village- Bairiya Tand, Police Station- Bairiya, District- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-07-2017

Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Bairiya P.S. Case No. 67 of 2016 registered for the offence
punishable under Section 306 of the Indian Penal Code.

It is stated by the learned counsel for the petitioner
that even if the entire facts stated in the written report submitted
by the informant are taken to be true on its face value, none of
ingredients of the offence punishable under Section 306 of the
Indian Penal Code would be attracted.

Learned counsel for the State has tried to defend
the institution of the FIR. However, he concedes that on the
basis of the allegation at best a U.D. case ought to have been



instituted for inquiry.

Considering the submissions made above, the petitioner is directed to be released on bail without furnishing any sureties forthwith on his personal bond to the satisfaction of the learned Additional Chief Judicial Magistrate-4th, West Champaran at Bettiah in connection with Bairiya P.S. Case No. 67 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of arrest or surrender.

The Superintendent of Police, Bettiah is directed to personally look into the FIR and see as to whether the facts stated in the written report do attract ingredients of a cognizable offence on the basis of which an FIR could have been instituted. In case, the Superintendent of Police finds the institution of FIR to be bad and in colourable exercise of power, he shall take action against the erring police official in accordance with law and send a copy of the action taken report to this Court.

Let a copy of this order be communicated to the Superintendent of Police, Bettiah.

(Ashwani Kumar Singh, J.)

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