

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58422 of 2017

Arising Out of PS.Case No. -56 Year- 2016 Thana -HABIBPUR District- BHAGALPUR

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Sunil Shekhar, S/o Yudhishtir Mandal, resident of Mohalla- Salehpur,
P.S.- Habibpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate
For the State : Mr. Satyendra Prasad, 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
Habibpur P.S. Case No.56 of 2016 registered under Sections 406,
420, 367, 471, 385, 379 and 354 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that institution of the instant FIR is bad in the eye of law as the
FIR has been instituted on the basis of the complaint which was
referred to the police under Section 156(3) of the Code of
Criminal Procedure (for short 'the Cr.P.C.') without there being
any affidavit to the fact that the petitioner had earlier approached
the police for institution of the FIR under Section 154(1) and
154(3) of the Cr.P.C.. He submitted that the FIR has been



instituted against the ratio laid down by the Supreme Court in **Priyanka Srivastava and Anr. vs. State of Uttar Pradesh & Ors., [(2015) 6 SCC 287]**. He submitted that co-accused Surendra Kumar Yadav @ Sonu Yadav @ Sonu has been granted pre-arrest bail by a Bench of this Court vide order dated 20.07.2017 passed in Cr. Misc. No.33881 of 2017.

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

Considering the submissions made above, 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.-XII, Bhagalpur in connection with Habibpur P.S. Case No.56 of 2016, subject to the conditions as laid down 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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