

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50469 of 2017

Arising Out of PS.Case No. -274 Year- 2015 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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Sonalal Bhagat @ Raju Kumar Malakar S/o Krishana Bhagat, R/o Village-
Sagar, P.S.- Pipra, District- East Champaran.

.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

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

The petitioner seeks pre-arrest bail in connection
with Pipra P.S. Case No.274 of 2015 registered under Sections
406, 420, 341, 323, 324, 379, 380, 504 and 506 read with 34 of
the Indian Penal Code.

Considering the submissions that without there being
any affidavit by the complainant that steps were first taken for
institution of the FIR under Sections 154(1) and 154(3) of the
Cr.P.C., the learned Magistrate has referred the complaint for



investigation under Section 156(3) of the Cr.P.C. on mere asking of the complainant, which is contrary to the ratio laid down by the Supreme court in the matters of **Ramdev Food Products Private Limited & Ors. Vs. State of Gujarat [(2015) 6 SCC 439]** and **Priyanka Srivastava & Anr. Vs. State of Uttar Pradesh & Ors. [(2015) 6 SCC 287]**.

On the other hand, learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Having regard to the nature of allegation and the submissions made above, in the event of arrest or surrender in 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 the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Pipra P.S. Case No. 274 of 2015 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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