

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55394 of 2017

Arising Out of PS.Case No. -151 Year- 2016 Thana -DAUDPUR District- SARAN

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Sanjeev Kumar Singh Son of Kailash Singh, resident of Village-
Chandanpur, Police Station-Daudpur, District-Saran at Chapra.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 19-12-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Daudpur P. S. Case No. 151 of 2016 registered under Sections
147, 148, 149, 307, 325 and 392 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that the FIR has been instituted against the petitioner 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. He submitted that the order passed
under Section 156 of the Code of Criminal Procedure is
contrary to the ratio laid down by the Supreme Court in
Priyanka Srivastava and Anr. vs. State of Uttar Pradesh
[(2015) 6 SCC 287]. He submitted that the FIR is also



malicious in nature, as though the alleged occurrence is said to have taken on 11.10.2016, for no justifiable reason, the complaint was filed in the court after seven days on 17.10.2016. He submitted that even prior to the institution of the complaint, father of the petitioner, Kailash Singh had instituted Manjhi P. S. Case No. 240 of 2016 against the family members of the informant.

Learned Additional Public Prosecutor for the State opposed the prayer for grant of pre-arrest bail to the petitioner.

Considering the nature of allegation and the submissions made above, the petitioner named above 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 learned Additional Chief Judicial Magistrate-II, Saran at Chapra in Daudpur P. S. Case No. 151 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 before the court below within six weeks from today.

(Ashwani Kumar Singh, J)

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