

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58863 of 2017

Arising Out of PS.Case No. -30 Year- 2017 Thana -KAKO District- JEHANABAD

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Santosh Das @ Santosh Kumar, son of Sri Surendra Das, resident of
Village- Nerthua, P.S.- Kako, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Prasad Sinha, Advocate

For the State : None.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner.

The petitioner seeks pre-arrest bail in connection with
Kako P.S. Case No.30 of 2017 arising out of Complaint Case
No.88 of 2017 registered under Sections 427, 406, 420, 441 and
120B/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that institution of the FIR on the basis of complaint which was
referred under Section 156(3) of the Code of Criminal Procedure
is against the ratio laid down by the Supreme Court in **Priyanka
Srivastava and Anr. vs. State of Uttar Pradesh and Ors.**
[(2015)6 SCC 287].

He submitted that even otherwise the allegations made
in the complaint giving rise to the FIR is absolutely false and the



mother of the petitioner has already been granted pre-arrest bail by a Bench of this Court vide order dated 03.10.2017 passed in Cr. Misc. No.50438 of 2017.

Despite repeated calls, no body appears on behalf of the State to oppose the prayer made by the petitioner.

Considering the nature of allegation and 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-IV cum A.C.J.M.,-IV, Jehanabad in connection with Kako P.S. Case No.30 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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