

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59984 of 2018

Arising Out of PS. Case No.-251 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Surendra Kumar Sonu @ Surendra Kumar @ Sonu @ Sonu Yadav son Late
Etwari Yadav resident of Douthat, P.S. Habibpur, District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shrawan Kumar, Sr. Advocate
Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 10-12-2018 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Kotwali (Tilkamanjhi) P. S. Case No.251 of 2018 registered
under Sections 420, 467, 468, 471/34 of the Indian Penal Code.

Learned Senior Counsel appearing for the petitioners
submitted that there is old enmity and land dispute between the
informant and the petitioner and his brother. The informant is an
advocate in Bhagalpur Civil Court. He has lodged several cases
against the petitioner either directly or indirectly taking
advantage of his privileged position. He contended that earlier at
the instance of this petitioner, three cases, namely, Kotwali



(Tilkamanjhi) P. S. Case No. 789 of 2015, Habibpur P. S. Case No. 31 of 2014 and Bhagalpur Kotwali P. S. Case No. 412 of 2014 were transferred to Patna from Bhagalpur by a common order dated 29.06.2017 passed in Cr. Misc. No. 19964 of 2016, Cr. Misc. No. 5354 of 2017 and Cri Misc. No. 10241 of 2017. In the said order, this Court had considered that the informant of the present case used to enter into the chambers of learned CJM, Bhagalpur and threatened him and directed him to take action against the petitioner. He further contended that the informant is in the habit of writing letter to the Chief Judicial Magistrate, Bhagalpur for taking action against the petitioner for alleged Sanha No. 2872 of 2014. He urged that the instant case is nothing but an abuse of the process of the court as the informant has stated in para-7 of the complaint that for the acts of omission and commission on the part of the petitioner, as alleged in the present FIR, which has been instituted on the basis of a complaint, which was referred under Section 156(3) of the Code of Criminal Procedure for investigation that an application under Section 340 of the Code of Criminal Procedure has been filed in the Court of Chief Judicial Magistrate, Bhagalpur, but as no action is being taken a fresh complaint is being filed.



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

Considering the facts and circumstances of the case, as also the submissions made above, in the event of arrest or surrender before the court below within six weeks from today, 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 leaned CJM, Bhagalpur in Kotwali (Tilkamanjhi) P. S. Case No.251 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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