

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26284 of 2018

Arising Out of PS.Case No. -79 Year- 2014 Thana -RIGA District- SITAMARHI

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Sanjay Pandey, son of Babu Lal Pandey, resident of village-Gosaipur,
Police Station-Sitamarhi, District-Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH

ORAL ORDER

2 07-05-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Riga P.S. Case No.79 of 2014 registered under Sections 364 and
302 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that on completion of investigation the police submitted Final
Form No.172 of 2014 dated 03.11.2014 stating therein that on
perusal of the statement of the witnesses and the U.D.Case No.05
of 2014 dated 16.02.2014 the case appears to be a mistake of fact
and law. Since the complainant was not satisfied with the order
passed by the learned Magistrate whereby the police report
submitted under Section 173(2) of the Cr.P.C. was accepted, she



preferred a revision application before the Court of Sessions vide Cr. Revision No.58 of 2016 and vide order dated 22.07.2016 the revisional court set aside the order passed by the learned Magistrate accepting the final report and directed him to pass a fresh order on the basis of which cognizance has been taken against the petitioner under Sections 364 and 302 read with 34 of the Indian Penal Code vide order dated 21.09.2016

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that initially a complaint was filed by the informant which was referred to the police for investigation pursuant to which a first information report was instituted and pursuant to the order passed by the revisional court, the learned Magistrate has taken cognizance of serious offences under Sections 364 and 302 read with 34 of the Indian Penal Code.

I have heard learned counsel for the parties and perused the record.

Regard being had to the facts and circumstances of the case, 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate-III, Sitamarhi in connection with Riga P.S. Case No.79 of 2014, 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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