

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60997 of 2017

Arising Out of PS.Case No. -14539 Year- 2014 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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Bikrama Singh @ Bikram Singh, son of Late Sudama Singh, resident of
village- Lohiyanagar, P.S.- Town, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manti Devi wife of Ramkishun Mahto, resident of village- Parihara,
P.S.- Bakhari, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tuhin Shankar, Advocate

For the State : Smt. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 04-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State. No body appears on behalf of the
complainant opposite party no.2.

This application under Section 438 of the Code of
Criminal Procedure has been filed by the petitioner for grant of
pre-arrest bail in connection with Complaint Case No.C-14539 of
2014 in which cognizance has been taken for the offence
punishable under Section 304 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that for an occurrence of offence dated 26.06.2014 a complaint
was filed on 23.07.2014. After filing of the complaint, a police
case was also filed by the complainant vide Bakhari P.S. Case
No.246 of 2014 dated 04.08.2014. In the police case, after



completion of investigation final form was submitted, vide Final Report No.376 of 2014 dated 31.12. 2014 holding the case of the complainant to be a mistake of fact. However, the complaint case proceeded and after statement of the complainant taken on oath and some witnesses examined on behalf of the complainant , the learned Magistrate took cognizance of the offence punishable under Section 306 of the Indian Penal Code vide order dated 02.11.2015. He submitted that from a reading of the complaint it would be manifest that no allegation whatsoever has been made against the present petitioner in the alleged occurrence in question. He submitted that the complainant has made allegation only on the basis of certain hearsay witnesses, though none have supported the statement of the complainant regarding manner of occurrence.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner.

Considering the nature of allegation made and the submissions made above, The provisional anticipatory bail grant to the petitioner vide order dated 21.12.2017 is confirmed.

(Ashwani Kumar Singh, J)

Md.S./-

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