

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.991 of 2018

Arising Out of PS.Case No. -355 Year- 2016 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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Sujeet Kumar, S/o Kishori Thakur, Resident of Moh. Naua Toli, Bharavpar,
P.S.- Laheri, Dist- Nalanda. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Laheri P.S. Case No. 355 of 2016 registered under Section
302 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that though the alleged occurrence of offence took
place on 16.11.2016, the first information report was instituted
on 09.12.2016. He submitted that the mother of the informant
was an old lady aged about 65 years and as she had fallen down
and received head injury, she was under treatment and after she
died and her body was disposed of, the present FIR has been
instituted by the informant only on account of pre-existing



enmity on a totally false and frivolous allegation.

On the other hand, learned counsel for the State submitted that though there is some delay in institution of the FIR, in course of investigation the supervising authority found the case true under Section 304 of the Indian Penal Code. In this regard, he has drawn my attention towards the impugned order passed by the court below whereby the application for pre-arrest bail of the petitioner has been rejected.

Considering the submissions made above, the nature of allegation made in the FIR and the inordinate delay in institution of FIR, 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/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda in connection with Laheri P.S. Case No. 355 of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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