

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1438 of 2018

Arising Out of PS.Case No. -74 Year- 2016 Thana -HABIBPUR District- BHAGALPUR

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Dharmaveer Paswan @ Kailash Paswan, S/o Late Gaya Paswan, resident of
Mohalla- Bhairapur, P.S.- Habibpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the State : Mr. Pawan Kumar Chaurasiya, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 19-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Habibpur P.S. Case No.74 of 2016 registered under Sections 406,
420, 467, 468, 341, 323, 386, 327 and 504 of the Indian Penal
Code.

The allegation, according to the complainant, is that co-
accused Surendra Kumar @ Sonu had got a sale deed registered in
favour of the complainant and the petitioner herein was a witness
in the said sale deed. The complainant further alleged that after he



had got the mutation done and also constructed the boundary wall, he received information that co-accused Surendra Kumar @ Sonu had demolished the boundary wall and when he went there again to construct the boundary wall then the said Surendra Kumar @ Sonu and other accused started demanding money from him for granting permission to construct the boundary wall. It is submitted by the learned counsel for the petitioner that similarly circumstanced co-accused Sunil Shekhar has already been granted pre-arrest bail by a Bench of this Court vide order dated 04.01.2018 passed in Cr.Misc. No.62673 of 2017. He submitted that the institution of the FIR on the basis of a complaint which was referred for investigation under Section 156(3) of the Code of Criminal Procedure was in complete breach of the law laid down by the Supreme Court in Priyanka Srivastava and Anr. vs. State of Uttar Pradesh & Ors. [(2015)6 SCC 287)].

Having regard to 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 Additional Chief Judicial Magistrate-XII, Bhagalpur in connection with Habibpur P.S. Case



No.74 of 2016, 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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