

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1115 of 2018

Arising Out of PS.Case No. -90 Year- 2017 Thana -RAUTA District- PURNIA

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Dr. Sushil Kumar, Son of Sury Narayan Yadav, resident of Village- Amari
Dharhara, Police Station- Murliganj, District- Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Smt. Anusuiya Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 18-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Rauta P.S. Case No.90 of 2017 registered under Sections
420 and 188 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that even if the entire allegations made in the FIR are
taken to be true, the ingredients of the offences alleged would
not be attracted in the present case. He submitted that at best for
the alleged inaction on the part of the petitioner, a disciplinary
proceeding could have been initiated, but by a colourable



exercise of power, a criminal prosecution has been launched.

Regard being had to the nature of allegations and the submissions made above, 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 Additional Chief Judicial Magistrate-II, Purnea in connection with Rauta P.S. Case No. 90 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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