

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41803 of 2018

Arising Out of PS.Case No. -46 Year- 2018 Thana -TARIYANI CHOWK District- SHEOHAR

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1. Manjay Rai @ Manjay Kumar, Son of Kapildev Rai, Resident of
Village- Dekuli Dharmpur, P.S.- Piprahi, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-07-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for
the offences punishable under Sections 182, 193, 195, 211,
203, 365, 368, 427, 120B/34 of the Indian Penal Code.

One Kunal Kumar, Son of co-accused-
Harishankar Sah had lodged Tariyani P.S.Case No. 45 of
2018 on 03.04.2018 relating to an occurrence of kidnapping
of his father Harishankar Sah. On the very next day i.e. on
04.04.2018, the police lodged the present case, stating
therein that Tariyani P.S.Case No.45 of 2018 was lodged with
malafide intention to maliciously prosecute the Samadhi of
Harishankar Sah. Hence, the present FIR of offences under
Sections 182, 193, 195, 211, 203, 365, 368, 427, 120B/34



of the Indian Penal Code .

Submission of the learned counsel for the petitioner is that the present prosecution is itself bad in law because unless after investigation, it is established that earlier FIR was lodged with intent to maliciously prosecute the accused persons, the present FIR is incompetent.

Finding substance in the submission aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Tariyani Police Station Case No.46 of 2018, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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