

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11760 of 2018

Arising Out of PS.Case No. -100 Year- 2017 Thana -BEL SAND District- SITAMARHI

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Jitendra Mandal son of Ram Chandra Mandal, resident of village-
Makhnaha, Police Station Belsand, District- Sitamarhi

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Sri Indra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 27-02-2018 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with Belsand P. S. Case No.100 of 2017 registered under
Sections 420, 467, 468, 471, 472, 409, 473, 474, 475 and
477(A) of the Indian Penal Code and 17 of the Banking Act.

It is submitted by the learned counsel for the
petitioner that first information report has been instituted on the
basis of a complaint, which was sent to police for investigation
by the learned Magistrate in exercise of power conferred under
Section 156(3) of the Cr.P.C. He submitted that the order by
which the complaint was referred to the police for investigation,
pursuant to which the first information report was instituted is
in gross violation of the order passed by the Supreme Court in



Priyanka Srivastava and Anr. vs. State of Uttar Pradesh [(2015) 6 SCC 287]. He submitted that prior to institution of the complaint, neither any information was given to the Officer-in-Charge of the police station under Section 154(1) of the Cr.P.C. nor on refusal, any application was sent to the Superintendent of Police under Section 154(3) of the Cr.P.C. He submitted that the entire allegations made in the complaint are false and concocted.

Learned Additional Public Prosecutor for the State opposed the prayer for grant of pre-arrest bail to the petitioner.

Regard being had to the facts and circumstances of the case, the petitioner named above 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 learned Additional Chief Judicial Magistrate-1, Sitamarhi in Belsand P. S. Case No.100 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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