

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40020 of 2015

Arising Out of PS.Case No. -180 Year- 2014 Thana -SIWAN MUFFASIL District- SIWAN

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1. Sabbir Hussain @ Sabir Mian @ Sabbir Mian Son of Ali Hussain
Resident of village - Orma, P.S. Siwan Muffasil, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-10-2015

Heard learned counsels for the petitioner and
the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 147,342,364 and 353 of the Indian Penal Code and section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

The prosecution case, as per the written report of the informant being A.S.I. of Police, is to the effect that on 11.5.2014 he received information that the former Mukhia is threatening to the villagers to cast votes in favour of the candidate of his choice. Subsequently, the informant went to the door of Shabbir Mian when the accused persons abused

him by calling caste name and confined the informant in a room.

It is submitted by the learned counsel for the petitioner that the accusation has been levelled by the informant since the petitioner earlier complained against him before the higher police officers. It is further submitted that for the occurrence of 11.5.2014 at 3.40 P.M. the FIR has been registered on 13.5.2014 at 6 P.M. but the written report reached to the court on 14.5.2014. There is no explanation for such delay. The informant was not medically examined and the SHO who rescued the informant has not got his statement recorded under section 161 Cr.P.C.

Though there is delay in lodging of the case by a police officer, the case lodged by the petitioner side is at earlier point of time but considering the serious criminal antecedent of the petitioner, this court is not inclined to grant anticipatory bail to the petitioner. However, in view of this court, it is a case for consideration of the prayer for regular bail of the petitioner by the learned court below in case the petitioner surrenders within six weeks from today in connection with Siwan (Mufassil) P.S. Case No. 180 of 2014 pending in the court of learned CJM, Siwan.

This application is disposed of with the
aforesaid observation/direction.

(Dinesh Kumar Singh, J)

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