

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34030 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -BISFI District- MADHUBANI

=====

Manish Kumar Thakur @ Manish Thakur Son of Sri Ram Babu Thakur
resident of village - Raghauli, Police Station - Bisfi, District - Madhubani

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : M/s Ajay Kumar Thakur,
Ravi Ranjan and
Imtiyaque Ahmad, Advocates

For the State : Mr. Braj Kishore Pd, APP

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 15-10-2015 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in a case registered for offences punishable under Sections 341, 324, 326, 307/34 of the Indian Penal Code and 27 of the Arms Act .

Allegation in the first information report is that the petitioner and another, while riding on motorcycle which was being driven by a third person, opened fire upon the informant which hit one of his arms, near the ribs and on the knee of the right leg. At the end, it has been written that the persons riding on the motorcycle were petitioner and two others.

Learned counsel for the petitioner submits that it is not

stated any where as to why for the occurrence of 8.2.2015, fardbeyan was recorded on 16.2.2015, i.e., after about seven days. It is submitted that from the reading of the first information report itself it would appear that no name was taken in the beginning and, in the last part of the first information report, three names have been disclosed.

Case diary has been called. It is startling to notice from the case diary that the police officer has recorded a sanha on 8.2.2015 itself noticing the aforesaid occurrence and he has also attached therewith a seizure list.

Learned counsel for the petitioner points out from the aforesaid paragraph no. 2 of the case diary that in the seizure list of P.S. case No. 35/2015 date appears to have been firstly given as 08-02-15 but it appears that after cutting it has been made to be read as 18-02-15, however, at the end of the seizure list concerned officer could not changed the date as the same has been recorded as 08-02-15.

Now a question would arise if such type of occurrence came to the notice of the Officer incharge who has prepared a seizure list on 8.2.15, why a first information report was not lodged on the same date and it was lodged after recording of the fardbeyan after about 7 – 8 days on 18.2.2015.

Learned counsel has made his endeavour to show that the names taken in the first information report would nothing but after thought as there is no reason for introduction of such names after 7 – 8 days.

Having regards to the facts and circumstances of the case, the petitioner, namely, Manish Kumar Thakur @ Manish Thakur is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Madhubani in Bisfi P.S. Case No. 35/15.

However, it is made clear that the trial court would proceed in the matter on its own merit and in accordance without being prejudiced by any observation or finding recorded by this Court in the present bail application

(Dr. Ravi Ranjan, J)

Spd/-

U		T	
---	--	---	--