

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19528 of 2015

Arising Out of PS.Case No. -129 Year- 2014 Thana -TARAIYA District- SARAN

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Daroga Ram, son of Sohari Ram, resident of village-Pipra, P.O.- Laua,
P.S.- Traiya, District- Saran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadaw, Adv.

For the Opposite Party/s : Mr. Smt.Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 09-07-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This is an application seeking anticipatory bail in a case registered for the offences punishable under Sections 447, 147, 148, 323, 307 and 379 of the Indian Penal Code and subsequently Section 302 was added.

Learned counsel appearing on behalf of the petitioner has submitted that the institution of belated First Information Report, four days after the date of occurrence, makes the prosecution story doubtful. He has further submitted that the allegation of assault against the accused persons is general and omnibus and there is no specific allegation of assault.

Since this is not in dispute that an occurrence had taken

place leading to death of the boy and petitioner is named in the First Information report, in view of the decision in case of ***Jai Prakash Singh vs. State of Bihar reported in (2012)4 SCC 379***, I am not inclined to grant privilege of anticipatory bail to the petitioner.

The petitioner is directed to surrender before the court below within four weeks, if he does so and seeks regular bail, his case for regular bail shall be considered on its own merit, without being prejudiced by rejection of the present anticipatory bail application.

This application is rejected with the observation, as above.

(Chakradhari Sharan Singh, J.)

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