

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7621 of 2016

Arising Out of PS.Case No. -238 Year- 2015 Thana -TRIVENIGANJ District- SUPAUL

- =====
1. Samir Khan @ Md. Samir Khan
 2. Firoz Khan @ Firoz, Both sons of Jahur Khan,
 3. Idrish Khan @ Md. Idrish Khan, Son of Karim Khan,
 4. Murshid Kha @ Md. Murshid Khan, Son of Idrish Khan,
 5. Arif Khan @ Md. Arif,
 6. Munna Khan, Both sons of Late Sagir Khan,
 7. Kabir Khan, Son of Sadique Khan, All are resident of village -
Pahalwana, Ward No. 3, Police Station - Triveniganj, District - Supaul.
- Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Sunil Kumar Pandey (App)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 08-04-2016 It is stated that petitioner no.3 has been arrested during the
pendency of this application.

This application stands dismissed as having become
infructuous, so far it relates to petitioner no.3.

Heard learned counsel, appearing on behalf of the
petitioners, and the learned Addl. Public Prosecutor, appearing on
behalf of the State.

This application for grant of anticipatory bail arises out
of Triveniganj P.S.Case No. 238/2015, disclosing offences under
sections 364/34 of the Indian Penal Code.

From the First Information Report, it transpires that that

the son of the informant was found missing since 22.7.2015. Since some dispute was going on between the family of the informant and the present petitioner, on the basis of suspicion, the petitioners and other persons have been named in the F.I.R.

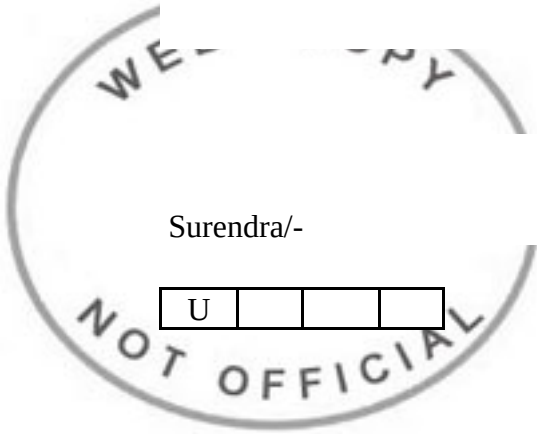
Learned counsel for the petitioners has submitted that the implication of the petitioners is an after thought, inasmuch as for the occurrence, which is said to have been taken place on 22.7.2015, the First Information Report came to be instituted on 29.10.2015. He submits that the delay in institution of the First Information Report casts serious doubt on the prosecution case.

I find substance in the submissions so advanced on behalf of the petitioners. This application is, accordingly, allowed.

Let the petitioners no. 1, 2, 4, 5, 6 and 7, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the A.C.J.M., Supaul, in Triveniganj P.S.Case No. 238/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to

appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.



(Chakradhari Sharan Singh, J)

Surendra/-

U			
---	--	--	--