

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11955 of 2016

Arising Out of PS.Case No. -738 Year- 2014 Thana -PHULWARI District- PATNA

1. Sonu @ Fahim Naim Ansari @ Md. Fahim, S/o Md. Naim
@ Naim Ansari, resident of Mohalla - Alamganj, Pir - Baish
Mohalla, Revenue Colony, P.S. - Alamganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Adv.

For the Opposite Party/s : Mr. Ganesh Pd. Singh (App)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

5 12-07-2016 The certified copy of the First Information
Report of Phulwarisharif P.S. Case No.738 of 2014 has
been filed on behalf of the petitioner in course of the day.
Let it be kept on record.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Phulwarisharif P.S. Case No.738 of 2014,
disclosing offences under Sections 302, 504 and 379/34 of
the Indian Penal Code.



For an occurrence said to have taken place on 23.10.2014, the *Fardbeyan* of the informant was recorded on 29.10.2014 in the emergency ward of P.M.C.H., Patna. The informant alleged in her *Fardbeyan* that the deceased had gone to Phulwarisharif and when he had reached near Phulwarisharif roundabout, the First Information Report named accused persons, including the present petitioner, caught hold of him and assaulted him variously. The informant is the wife of the deceased, who said in her *Fardbeyan* that the accused persons had hired a tempo in which her husband, the deceased, in injured condition was sent home.

Learned counsel for the petitioner has submitted that there cannot be any justification for recording of the *Fardbeyan* after six days of the occurrence. He has further submitted that the First Information Report came to be registered belatedly on 20.11.2014. He has also submitted that there is no eye-witness to the occurrence.

Considering the submission, as above, I am of the view that the petitioner has been able to make out an exceptional case for grant of anticipatory bail, though the offence, as alleged, is punishable under Section 302 of the Indian Penal Code.

This application is, accordingly, allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, 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 Judicial Magistrate-Ist Class, Patna**, in connection with **Phulwarisharif P.S. Case No.738 of 2014**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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