

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13696 of 2016

Arising Out of PS.Case No. -288 Year- 2015 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Jata Pandey S/o Nathu Pandey, Resident of Pakudi Dixit Mirchaiya Tola,
P.S.- Kalyanpur, District- East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Anil Kr.Singh-I, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 31-03-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Kalyanpur P. S. Case No. 288 of 2015 registered under
Sections 448, 341, 342, 323, 376/511 and 504/34 of the Indian
Penal Code.

It is contended that falsity of the case would be
apparent from the fact that the occurrence is said to have taken
place on 18.08.2015 and the FIR was registered on 01.10.2015,
i.e., after one and a half month approximately and there is no
plausible explanation for the inordinate delay in instituting the
FIR. It is further contended that no offence under Sections 376

and 511 of the Indian Penal Code is made out so far as the petitioner is concerned as the allegation is against one Sahindra Paswan and not the petitioner.

Learned counsel for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He has contended that though the information was given to the police by the informant promptly on 19th August 2015 but the delay was caused as the written report filed by the informant was sent to Kalyanpur police station by the Incharge, Police Camp, Motihari.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioner named above is directed to 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 Chief Judicial Magistrate, Motihari in Kalyanpur P. S. Case No. 288 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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