

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12519 of 2016

Arising Out of PS.Case No. -68 Year- 2015 Thana -MAGADH UNIVERSITY District- GAYA

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Ajay Mistry @ Nanhu Mistry

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-03-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 341,323,307,504 and 506/34 of the Indian Penal Code.

The prosecution case is that the petitioner and other co accused who are agnates of the informant came to the door of the informant and started abusing. On protest being made the petitioner assaulted with iron rod to the informant causing bleeding injury. It is alleged against others that they instigated the petitioner to make assault to the informant.

It is submitted by the learned counsel for the petitioner that admittedly in the background of land dispute the accusation has been levelled. More over, for the occurrence of

26.10.2015 the FIR was registered on 30.10.2015 which reached the court of the learned ACJM on 2.11.2015 which suggests that by antedating the FIR was registered.

Considering the fact that the accusation of assault has been levelled against the petitioner which got corroborated with the injury report, this court is not inclined to interfere but the unexplained delay in registration of FIR constitutes ground for consideration of the prayer for regular bail of the petitioner by the learned court below in case the petitioner surrenders within eight weeks from today in connection with Magadh University P.S. Case No. 68 of 2015 pending in the court of learned ACJM IX, Gaya.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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