

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12370 of 2016

Arising Out of PS.Case No. -27 Year- 2015 Thana -SAMHO District- BEGUSARAI

Ram Naresh Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal--Advocate

For the Opposite Party/s : Mr. B. Ram (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 29-03-2016

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

While the informant with the assistance of co-villagers was engaged in repairing road, petitioner along with his two associates arrived, asked for rangdari and further, two of his associates apprehended him while informant on the pretext of rifle threatened. Furthermore, Rs.42,00/- was taken away by the petitioner.

It has been submitted on behalf of petitioner that both are co-villagers and represent two different groups that happens to be reason behind his false implication otherwise being a co-villager, so many opportunity at different occasion would have been available to him, in case petitioner had carried criminal intention either to eliminate the informant or to ask for a rangdari.

So, submitted that this case has purposely been filed to malign the petitioner.

Furthermore, it has also been submitted that occurrence has been alleged as per prosecution version on 30.07.2015 while the written report was filed on 01.08.2015 without having any explanation for such a long delay. Apart from this, it has also been submitted that not even a single person has been named as a witness or as a labourer, who were engaged in repairing the road. In the aforesaid background, the learned counsel for the petitioner also submitted that the occurrence as alleged did not inspire confidence whereupon petitioner is entitled for anticipatory bail.

Furthermore, it has also been submitted that due to group rivalry, he has been implicated in case after case and on account thereof, has got some sort of criminal antecedent which has duly been incorporated under Para-3 of the petition.

The learned Additional Public Prosecutor opposed the prayer.

In the aforesaid facts and circumstances, petitioner is directed to surrender before the learned lower Court with a prayer of bail and the learned lower court while considering the prayer of the petitioner will consider, apart from unexplained delay in filing

the prosecution case, absence of names of witnesses including labourers who, as alleged, were present during course of preparing of road.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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