

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46514 of 2016**

Arising Out of PS.Case No. -61 Year- 2015 Thana -POTHIYA District- KISANGANJ

NURUL @ MD. NURUL son of late Jabbar Resident of Village-Nimla  
Gaon, P.S. Pothiya, District Kishanganj

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR  
JHA**

**ORAL ORDER**

2 30-11-2016 Heard both sides.

The petitioner apprehends his arrest in Pothiya P.S. Case  
No. 61/2015, registered for the offences punishable under Section  
307 and other sections of the Indian Penal Code.

The informant filed complaint case 134(C)/2015 on  
07.02.2015 on the basis of which the present F.I.R. was lodged.  
The informant alleged that the date of occurrence is 30.08.2014,  
but the complaint was filed after more than five months of the  
occurrence. The Complainant was released from the hospital on  
13.08.2014, but there is no justification to file the complaint  
petition after more than five months of the occurrence. The  
complainant/informant alleged that the petitioner assaulted him  
with bamboo on his head, but the police after investigation

submitted final form finding the case false against the petitioner, but the learned Judicial Magistrate differing with the finding of the Investigating Officer took cognizance against the petitioner.

Considering the facts aforesaid and the fact that the complaint petition is filed after more than five months of the occurrence on the basis of which the present F.I.R. was lodged and the Investigating Officer found the case false against the petitioner, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj in connection with Pothiya P.S. Case No. 61/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

**(Prabhat Kumar Jha, J.)**

Vinita/-

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