

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24774 of 2017

Arising Out of PS.Case No. -33 Year- 1997 Thana -LALGANJ District- VAISHALI(HAJIPUR)

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1. Ajit Singh Son of Sri Binod Singh, Resident of Village- Jagarnath
Basant , P.S.- Lalganj, District- Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the Opposite Party/s : Md. Sufiyan, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections
447/307/323/34 of the Indian Penal Code.

Allegation against the petitioner is of commission of
assault with the butt of the pistol.

Submission of the learned counsel for the petitioner is
that if the petitioner would have intention to commit murder he
must have used the pistol instead of its butt. Moreover, petitioner
was not sent up for trial. However, cognizance has been taken
against the petitioner also. Thereafter, no notice was ever served
on the petitioner. Hence, after notice petitioner moved before the



learned Sessions Judge after twenty years and this is the only ground for refusal of the prayer.

Only delay in filing of the anticipatory bail application cannot be a ground to refuse the prayer. Apprehension of arrest need not be from the police, it may be from the Court also in the event of surrender.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajipur/Successor Court in connection with Lalganj Police Station Case No.33 of 1997, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. With further condition that petitioner shall fully cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioner in this case.

(Birendra Kumar, J)

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