

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37866 of 2017

Arising Out of PS.Case No. -91 Year- 2016 Thana -UJIYARPUR District- SAMASTIPUR

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Rajeev Kumar @ Pinku Son of Amiri Paswan, Resident of Village - Saidpur
Zahid, Police Station - Ujiarpur, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate

For the Opposite Party/s : Sri Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 11-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with
G.R. No. 400 of 2016, arising out of Ujiyarpur Police Station Case No.
91 of 2016 registered for the offence(s) punishable under section(s)
147, 148, 149, 323, 354(A), 379, 307, 452, 504 and 506 of the Indian
Penal Code.

The informant has alleged that on 23rd May 2016 at about
4:00 P.M., her son Gaurav Kumar had gone to purchase vegetable by
bicycle and at the time of returning, the accused Amiri Paswan
requested to Gaurav Kumar to carry him, but he refused to carry him
whereupon the petitioner, who is named in the F.I.R., assaulted the
husband of the informant by iron rod and on protest of her husband, the
informant was also assaulted by the accused persons.

Learned counsel for the petitioner submits that there is



unexplained delay of 9 days in lodging the F.I.R. and prior to filing of the present case, the husband of the informant had assaulted the father of the petitioner for which a Police case, vide Ujiyarpur P.S. Case No. 87 of 2016 was registered on 24.05.2016 under sections 341, 323, 324, 325, 307, 379, 504, 34 of the Indian Penal Code. The present case has been filed by the informant after 9 days only to save themselves from the occurrence of Ujiyarpur P.S. Case No. 87 of 2016. It has further been submitted that injuries are simple in nature.

Learned Additional Public Prosecutor opposed the submission.

On perusal of the F.I.R and Annexures, I find that Ujiyarpur Police Station Case No. 87 of 2016 was registered on 24.05.2016 against this informant and her family members and the injury report, which is on record, shows that all the injuries were caused by hard and blunt substance and all are simple in nature except injury no. 4, which is lacerated, but the opinion has been reserved on it. There is delay of 9 days in filing of the F.I.R. In such view of the matter, this application is allowed.

Let the petitioner, above named, in the event of arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Dalsingsarai, District-Samastipur in connection with G.R. No. 400 of 2016, arising out of



Ujiyarpur Police Station Case No.91 of 2016, subject to the condition
as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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