

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24424 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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Prabhu Nath Singh, Son of Late Yamuna Singh, Resident of Village- Pratap
Mathiya, P.S.- Sangrampur, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Adv.

Mr.Archit Rajpal, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

For the informant : Mr.Shakil Ahmad Khan, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 21-07-2017 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

representing the Informant.

This application, for grant of anticipatory bail, arises
out of Sangrampur P.S. Case No.12 of 2017, disclosing offences
under Sections 341, 323, 376, 511 and 504 of the Indian Penal
Code.

The F.I.R. was registered on 20.01.2017. In the
F.I.R., the date of receipt of information has been described as
20.01.2017. The occurrence is said to have been taken place on
25.12.2016.



Learned counsel for the petitioner, in that background, has submitted that the informant, in fact, submitted her written report much after lodging of an F.I.R. by the petitioner on 01.01.2017 in which the informant's husband is an accused. It has been submitted that the informant has wrongly given the date as 26.12.2016 in her written statement, since it is evident from the filled up proforma of the F.I.R. that it was received in the police station on 20.01.2017. Learned counsel for the petitioner has submitted that it is totally a false case arising out of rivalry and vengeance.

Learned counsel appearing on behalf of the informant, on the other hand, has submitted that though the written statement was submitted before the police on 20.12.2016, but the police caused delay in getting the F.I.R. registered.

There is nothing on record to substantiate the submission on behalf of the informant.

Learned Additional Public Prosecutor appearing on behalf of the State, by referring to the case diary, has opposed the prayer for bail.

However, from the case diary, it appears that no prosecution witness has supported the allegation made in the F.I.R. except the informant and her husband and the medical



opinion also does not support the case of the prosecution.

Considering the submission, as above, this application for anticipatory bail is allowed.

Let the petitioner, Prabhu Nath Singh, in the event of his arrest or surrender before the Court below within six weeks, 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 C.J.M., East Champaran at Motihari, in connection with Sangrampur P.S. Case No.12 of 2017, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Arvind/-

(Chakradhari Sharan Singh, J)

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