

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53615 of 2017

Arising Out of PS. Case No. -331 Year- 2016 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Ashok Roy, Son of Bacchi Roy, R/o Village- Ismilepur, P.S.- Ismilepur,
District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pradip Kumar, S/o Nawal Kishore Mandal, R/o Village- Ismilepur
Kachahri Tola, P.S.- Ismilepur, District- Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate

For the Opposite Party/s : Smt. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 09-11-2017

Heard learned counsel for the petitioner and State.

The petitioner is apprehending his arrest in connection with Complaint case no. 331 of 2016 for the offence under Sections 149, 147, 323, 325 and 326 of the Indian Penal Code.

Counsel for the petitioner submits that the instant case is counter blast of Complaint Case No. 319 of 2016 filed by the accused side against the informant of this case. He further submits that the entire story of assault in this case is concocted and in fact the informant has sustained injuries when he attempted to commit dacoity along with others in the house of Niroj Roy on 08.06.2016 and for the said incident Complaint Case No. 319 of



2016 has been filed on behalf of the accused side and as such the present case is not only the counter blast, but apparently a false case in view of the fact that there was inordinate delay of 22 days and there is no explanation for delay in filing the complaint case with regard to the alleged occurrence on 30.06.2016.

Counsel for the petitioner has drawn the attention of this Court to the statement made on oath in para 3 of this application that the petitioner has no criminal antecedent.

Considering the fact that there is a case and counter case and there is no plausible explanation for delay in filing the Complaint case, the petitioner, named above, in the event of arrest or surrender before the court below within one month from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the amount each to the satisfaction of Sri D. K. Yadav, Judicial Magistrate, 1st Class, Naugachiya, Bhagalpur in connection with Complaint Case no. 331 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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