

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61645 of 2017

Arising Out of PS.Case No. -257 Year- 2017 Thana -SHIVSAGAR District- SASARAM
(ROHTAS)

- =====
1. Nishant Kumar, S/o Dina Sah,
 2. Devanand Bhagat, S/o Bikrama Bhagat,
 3. Pawan Gupta, S/o Sagar Sah,
 4. Rakesh Sah, S/o Ramesh Sah, All are R/o Village- Sheosagar, P.S.-
Sheosagar, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 20-12-2017

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 353, 504 and 506/34 of the Indian Penal Code.

The prosecution case, as per the written report of Binod Kumar Nagar, Assistant Electrical Engineer, is to the effect that on 10.09.2017 at 9.30 P.M. some persons arrived at Electrical Centre, Sheosagar and asked the reason for shutting down the electric supply, upon which the employee told



that due to load shedding the electric supply is disrupted and that it will continue to be provided from 11.00 P.M., whereupon the accused persons forcibly entered into the control room and started abusing and brutally assaulted the employee.

It is submitted by learned counsel for the petitioners that for the occurrence of 10.09.2017 at 9.30 P.M. the FIR was registered on 11.09.2017 at 5.00 P.M. after about 18 hours and the same has been received in the Court of learned ACJM on 16.09.2017 which suggests that the FIR is antedated. Though, the learned Sessions Judge recorded that the employee Abhritanjan Kumar received grievous injury but there is no such injury report on the record and the FIR has been registered. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Considering the delayed lodging of the FIR and the delayed transmission of the FIR to the Court of learned Magistrate, which clouds the bonafide of the accusation, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Judge,



VII –cum- A.C.J.M., Sasaram, Rohtas in connection with
Sheosagar P.S. Case No. 257 of 2017, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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