

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23118 of 2018**

Arising Out of PS. Case No.-151 Year-2017 Thana- BHAGWANPUR District- Vaishali

Sharwan Kumar @ Sharwan Kumar Singh, Son of late Singeshwar Singh,  
Resident of Village -Husena, P.S.- Garaul, District- Vaishali at Hajipur..

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Arun Kumar Pandey

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

2      26-04-2018                      Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered  
for the offences punishable under Sections 379/511 of the IPC.

The prosecution case as per the written report of  
Bhagya Narayan Singh dated 13.08.2017 submitted to the  
S.H.O., Bhagwanpur Police Station is to the effect that on  
13.08.2017 at 1.30 AM the neighbour of the informant  
Satyanarayan Sah woke up at 1.30 PM and saw certain people  
cutting lock of the grocery shop of the informant thereafter on  
alarm being raised, accused persons started pelting stones and  
escaped from the scene. The informant's neighbour identified  
five persons including the petitioner.

It is submitted by learned counsel for the petitioner  
that since the petitioner had some dispute with the informant



from before for non-payment of contractual dues, hence the accusation has been levelled. The FIR was registered on 13.08.2017, but it reached to the court of learned Magistrate on 19.08.2017, which suggests that the FIR was registered by antedating. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner was identified by the informant's neighbor.

Considering the delayed transmission of the FIR and petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-III, Vaishali at Hazipur in connection with Bhagwanpur P.S. Case No. 151 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

