

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25867 of 2018

Arising Out of PS.Case No. -99 Year- 2016 Thana -MAHUA District- VAISHALI(HAJIPUR)

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Dabbu Jha S/o Raj Kishor Jha, R/o Vill.- Prahladpur, P.S.- Mushhari,
District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 21-06-2018 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with

Mahua P.S. Case No. 99 of 2016 registered for the offences

punishable under Section 307 and other allied sections of the

Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the informant and other

police officials went to arrest the petitioner in connection with

Mushari P.S. Case No. 209 of 2015 but the inmates of the house

where petitioner had taken shelter became furious and started

assaulting the police party and also snatched the petitioner from

the clutches of the police party and taking advantage of aforesaid

circumstance, the petitioner escaped from there.



Contention on behalf of the petitioner is that petitioner had gone to the house of his relative and the informant and other police officials in civil dress entered into the house of his relative in the midnight and started assaulting the inmates of the house upon which inmates of the house made protest and thereafter, the police party left the house. He further submits that on the very next day relative of the petitioner lodged the complaint case against the concerned police officials and when the concerned police officials including informant got knowledge of filing of complaint case bearing Complaint Case No. 585 of 2016, the informant and others got prepared ante dated F.I.R. and lodged the present case. In course of his argument, learned counsel for the petitioner drew my attention towards para 11 of the petition and submits that the alleged occurrence is said to have taken place in the night of 16.03.2016 and the case is said to have been registered on 17.03.2016 but the FIR was put up before the learned Magistrate on 19.03.2016. He further submits that as a matter of fact, on 17.03.2016 three FIR's were registered in Mahua police station in connection with other occurrences and all the aforesaid three FIR's were sent to concerned Magistrate on 18.03.2016 except the present one and the aforesaid fact supports that present FIR is an ante dated FIR.



Although learned A.P.P. opposed the prayer but considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in Mahua P.S. Case No. 99 of 2016 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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