

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26488 of 2018

Arising Out of PS.Case No. -115 Year- 2018 Thana -KHAGARIA District- KHAGARIA

=====

Sanjay Sah, son of Devnarayan Sah, resident of village- Uttari Bhadas,
P.S.- Muffasil, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

=====

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

ORAL ORDER

2 07-05-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Khagaria (Mufassil) P.S. Case No.115 of 2018 registered under
Sections 341, 324, 307, 379 and 504 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that though the alleged occurrence of offence is said to have taken
place on 21st February, 2018 and the fardbeyan was recorded on
the same day, the first information report has been registered after
ten days on 04.03.2018 without there being any explanation for
the inordinate delay caused in institution of the first information



report. It is submitted that from perusal of the first information report it would also transpire that the Assistant Sub Inspector of Police has made interpolation in the first information report by changing the date 04.03.2018 as 21.02.2018.

On the other hand, learned counsel for the State submitted that though there is some delay in institution of the first information report, the same cannot be a ground for grant of pre-arrest bail as there is allegation against the petitioner that he repeatedly assaulted the informant with sword causing grievous injuries.

In reply, learned counsel for the petitioner submitted that the manner of occurrence may be different and just in order to take revenge from the petitioner, who has got no criminal antecedent from before, a tainted first information report has been instituted.

Considering the inordinate and unexplained delay in institution of the first information report, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to 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 Chief Judicial Magistrate, Khagaria in connection with Khagaria (Mufassil) P.S. Case No.115 of 2018, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

U		T	
---	--	---	--

