

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37677 of 2018

Arising Out of PS. Case No.-199 Year-2017 Thana- GOPALPUR District- Patna

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1. Niraj Rai @ Niraj Kumar, S/o Anil Rai,
 2. Golu Rai @ Golu Kumar S/o Anil Rai,
 3. Pankaj Rai @ Pankaj Kumar S/o Mama Rai,
 4. Bipin Rai S/o Lalan Rai,
 5. Bijay Rai S/o Devi Rai,
 6. Bablu Rai S/o Jamun Rai All are R/o Bairiya, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh
For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148,149, 150,151,152, 341, 342, 353, 504, 506, 337, 332,333, 307,308,114,115 and 120B of the IPC.

The prosecution case as per the written report of ASI Sunil Kumar dated 19.10.2017 submitted to the SHO, Gopalpur Police Station is to the effect that on 18.10.2017 at 5.00 P.M. during patrolling on the eve of Deepawali festival, on the information being received that in village Kabirmath people are gambling, raid was laid, but the miscreants escaped from the scene and one person was apprehended with liquor, who



disclosed his name as Sanjay Kumar who was found drunken state with Rupees Four Hundred Fifty cash and playing cards. It is further alleged that 9.10 P.M. the apprehended accused was taken at 11.30 P.M. to the office of the Assistant Commissioner, Excise for conducting breath analyzer test upon him, when the family members of the miscreants blocked the road and raised slogans.

It is submitted by learned counsel for the petitioners that the malicious nature of accusation is apparent from the fact that Gopalpur P.S. Case No. 198 of 2017 was registered on 18.10.2017 at 11.30 P.M. The time of occurrence is also 11.30 on 18.10.2017. Moreover, the said FIR, as contained in Annexure 2, reached to the Court of learned Special Judge 19.10.2017, whereas the present FIR which is based on the written report dated 19.10.2017, reached to the court of learned ACJM on 30.10.2017, which suggests as to how maliciously ante-datings have been made in registering the case. It is further submitted that even assuming the accusation to be true, neither any body received injury nor any damage was caused. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Considering the apparent delay in registering the FIR



and its delayed reaching to the Court the bonafide of the accusation gets clouded, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Judge-IX-cum-ACJM, Patna in connection with Gopalpur P.S. Case No. 199 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The registration of the FIRs reflects as to how casually the cases are being registered by the police officers and it is high time to take cognizance of such inaction.

Let the Senior Superintendent of Police, Patna look into the matter as to how callously police officers are registering the FIR.

Let a copy of this order be transmitted to the Senior Superintendent of Police, Patna.

(Dinesh Kumar Singh, J)

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