

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33344 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- SILAO District- Nalanda

NITISH KUMAR @ BINNA Son of Vindeshwar Prasad Resident of Village -
Dharara, P.S.- Silao, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binit Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-09-2019 The petitioner apprehends his arrest in connection with
Silao P. S. Case No. 45 of 2019 registered under Sections 307,
323, 324 and 341 of the Indian Penal Code.

Allegation against the petitioner is that petitioner along
with others stabbed the informant by means of dagger and rod
causing injury to him.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has falsely been implicated in this case
with oblique motive inasmuch as the occurrence has taken place
on 16.01.2019 and the present FIR has been lodged after a
considerable delay on 24.02.2019 and no motive of commission
of present crime has been disclosed by the informant in the FIR.

On the other hand, learned counsel appearing on behalf of
the informant vehemently opposes the prayer for anticipatory
bail and submits that informant was getting treatment at Patna in



a private hospital i.e., Rajeshwar Hospital, and from perusal of the detail of treatment in the case dairy, it would be apparent that he was having stab injury near neck and other parts of the body and he was discharged from the hospital on 28.01.2019.

In reply, learned counsel for the petitioner submits that even after discharge on 28.01.2019, the informant has not lodged the FIR and it has been lodged on 24.02.2019.

Having regard to the submissions made by the parties and taking into consideration the fact that there is considerable delay in lodging of the FIR, accordingly, I am inclined to grant anticipatory bail to the petitioners.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM, Nalanda at Biharsharif in connection with Silao P.S. Case No. 45 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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