

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41556 of 2019

Arising Out of PS. Case No.-27 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

AFRIDI ANSARI Son of Akbar Ansari Resident of Village - Molnapur,
Mahamadpur, P.S.- Siwan Muffsil, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 30-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Siwan Mufassil P.S. Case No. 27 of 2019, disclosing the offence under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that there has been delay of three days in registration of the FIR which casts a serious doubt on the case of the prosecution. He has further submitted that it is evident from the First Information Report that the petitioner is not named in the FIR and his name has surfaced on the basis of confessional statement of co-accused Jacky.

As per the prosecution case, under the threat of death, the accused persons had snatched the informant's motorcycle



and mobile phone. It is true that the petitioner was not named in the FIR but it transpires that in course of investigation, one of the persons named in the FIR has disclosed the petitioner's name as one who had participated in commission of the offence along with him.

Considering the gravity of the offence alleged, I am not inclined to grant the petitioner privilege of anticipatory bail despite noticing the fact that there has been some delay in lodging of the FIR.

This application is accordingly rejected.

However, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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