

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43576 of 2019

Arising Out of PS. Case No.-320 Year-2018 Thana- SIKARPUR District- West Champaran

KUNDAN MAHTO Son of Hiranman Mahto Resident of D.K. Shikarpur, P.S.-
Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-07-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Shikarpur P.S. Case NO. 320 of 2018, disclosing offences under Sections 224,225/34 of the Indian Penal Code.

An Assistant Sub Inspector of Police is the informant. Allegedly when he was recording confessional statement of an accused Ramesh Sharma in a different case, the said accused made an attempt to flee away and in course of action by the police taken to prevent his escape of the said Ramesh Sharma he sustained some injuries. It is also alleged that Ramesh Sharma had handed over the *chip*, which was installed in his mobile, to this petitioner.

Learned counsel for the petitioner, referring to the First Information Report, has submitted that the entire case



of the prosecution is imaginary. It has also been submitted that though the offence is of 25.08.2018 as alleged in the First Information Report, there is no explanation for belated registration of the F.I.R. on 27.08.2018, particularly, when the informant is a police personnel.

Considering the above submission, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned Chief Judicial Magistrate, Bettiah, West Champaran in Shikarpur P.S. Case No. 320 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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