

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.80279 of 2018**

Arising Out of PS. Case No.-150 Year-2018 Thana- BENIPATTI District- Madhubani

Madhaw Kumar Pandey @ Pappu Pandey Son of Late Kaushal Pandey, R/o  
Village- Bisheladdogama, P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Sri Satyendra Prasad

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      23-01-2019                      Heard learned counsel for the parties.

This application for anticipatory bail arises out of Benipatti P.S. Case NO. 150 of 2018, disclosing offences under Sections 379/353/34 of the Indian Penal Code.

As per the First Information Report, occurrence of theft had taken place on 02.07.2018 and the informant had learnt about the said occurrence on the same day. It also appears from the First Information Report that the informant learnt as to who had committed the theft and as to the manner in which the offence was committed on the very same day, i.e., 02.07.2018. The First Information Report has, however, been registered belatedly on 27.07.2018 for which there is no explanation on record.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that delay in lodging of the First



Information Report casts serious doubt over the case of the prosecution. I find substance in the submission so advanced on behalf of the petitioner. 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 Additional Chief Judicial Magistrate, Benipatti, Madhubani in Benipatti P.S. Case No. 150 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)**

arun/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

