

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.83301 of 2019

Arising Out of PS. Case No.-228 Year-2018 Thana- PIRO District- Bhojpur

NAULAKH SINGH @ NAULAKH KUMAR SINGH S/o Sri Udaynath Singh Resident of Village- Hatpokhar, P.S.- Piro, Dist- Bhojpur, Presently residing at Village- Etava, P.S.- Dawath, Dist- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Shankar Choubey

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 26-06-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Piro P.S. Case No. 228 of 2018, disclosing the offence under Sections 341, 323, 307, 325, 504, 506/34 of the Indian Penal Code.

For an occurrence, which had allegedly taken place on 26.06.2018, the FIR came to be registered on 14.07.2018, on the basis of statement of the informant recorded by the police in hospital. It is alleged that the petitioner and co-accused Amir Chand Singh assaulted the informant with iron rod because of which he received injuries in his head.

Learned counsel appearing on behalf of the petitioner has submitted that there is no justifiable reason why for an occurrence, which had allegedly taken place on 26.06.2018, *fardbeyan* would be recorded four days thereafter, on



30.06.2018. Delay in lodging of the FIR, he submits, casts a serious doubt on the veracity of the case of the prosecution.

Learned Additional Public Prosecutor for the State of Bihar has opposed the prayer for anticipatory bail.

Considering the delay in lodging of the FIR, in my opinion, a case for grant of anticipatory bail is made out. 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 bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in Piro P.S. Case No. 228 of 2018, subject to the condition 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)

Rajesh/-

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