

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43738 of 2021

Arising Out of PS. Case No.-260 Year-2017 Thana- NAUTAN District- West Champaran

Sheikh Bhola Son Of Late Sheikh Julum Resident Of Village - Teluah Sheikh
Toli, P.S.- Nautan, Distt.- West Champaran, Bettiah Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 15-12-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Zainul Abedin, learned APP for the State.

This is the third attempt of the petitioner to obtain pre-arrest bail in connection with Nautan P.S. Case No. 260 of 2017 registered for the offences punishable under Sections 147, 148, 323, 324, 307, 379, 354(B), 447, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier in Cr. Misc. No. 4532 of 2018, the prayer for anticipatory bail of the petitioner was rejected taking note of the fact that there was a specific allegation against this petitioner of causing injury on the head of the informant. Subsequently, in Cr. Misc. No. 72409 of 2018, the prayer for anticipatory bail was rejected holding that



there was no change of circumstance so as to entertain the anticipatory bail application.

Learned counsel for the petitioner submits that though the prayer for anticipatory bail of the petitioner has been rejected by this Court, till date the investigation of the case as regards all the accused is pending and no chargesheet has been filed.

Learned counsel further submits that as per the First Information Report, this petitioner is said to have assaulted the informant by a *farsa* but the supplementary injury report available with the case diary would show that the said injury is said to be simple in nature caused by hard and blunt substance. It is, thus, submitted that the petitioner deserves privilege of pre-arrest bail considering the supplementary injury report.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner. It is submitted that the petitioner has not surrendered in the learned court below despite the rejection of his prayer for anticipatory bail by this Court firstly in the year 2018 and thereafter on 02.01.2019. Under such circumstance, the petitioner does not deserve privilege of anticipatory bail. He may surrender in the learned court below and demonstrate before the court the materials which have been referred before this Court.

Having regard to the materials placed before this Court, this Court by its order dated 03.11.2021 called upon the Officer-In-



Charge of Nautan Police Station to inform this Court about the present stage of investigation. He was also called upon to say as to what steps have been taken so far after rejection of the first and second anticipatory bail application of the petitioner. This Court has noted that the submission of learned counsel for the petitioner is that till date there is no progress in investigation and the petitioner has not been declared absconder.

This Court had also called for a report from the learned C.J.M., West Champaran. On the last date, when this matter was taken up again on 01.12.2021, this Court found from the office note that the Officer-In-Charge had instead of sending the report specific on the issue mentioned in the order of this Court only sent a copy of the case diary. A reminder was, thus, sent to him to submit a report specific on the issue mentioned in the order of this Court. A reminder has also been issued through Superintendent of Police. This Court has noticed from the case diary available on the record that the investigation of the case is still pending and no specific report in terms of the order dated 03.11.2021 has been submitted to this Court.

Be that as it may, this Court is of the considered opinion that if the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, it will be open for him to place before the learned court below the



supplementary injury report showing that the only injury attributed to the petitioner is said to have been caused by hard and blunt substance and further that till date the investigation is still pending.

If the petitioner surrenders within the aforesaid period, the learned court below shall consider the prayer for bail of the petitioner keeping in view the nature of the dispute and the above materials and preferably on the same day.

Since the Officer-In-Charge of the Natuan Police Station has not submitted the report as called for despite reminder sent by this Court, this Court deems it just and proper to impose a cost of Rs.5000/- (Rupees five thousand/-) upon him which he will pay from his own pocket. Such amount shall be deposited with the Patna High Court, Legal Aid Committee within four weeks from today, failing which office shall report the non-compliance.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

