

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30778 of 2020

Arising Out of PS. Case No.-281 Year-2019 Thana- DARAUNDA District- Siwan

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ARUN KUMAR GIRI Son of Chandra Shekhar Giri Resident of Village -
Ruundipur Ke Mathiya, P.S.- Daraunda, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar
For the Opposite Party/s : Mr.Ram Sumiran Roy
Mr.Prashant Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 19-02-2021 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Daraundha P.S. Case No. 281 of 2019, disclosing the offence punishable under Section 302 and other allied Sections of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner has submitted that there has been one day delay in lodging of the FIR and the accusation made in the First Information Report is result of afterthought because of pending enmity between the informant's family and the persons who have been made accused. He has further submitted that the police failed to register a criminal case after receiving information about the death of the deceased and immediately after preparation of the



inquest report.

Be that as it may, considering the circumstance that there is direct allegation of assault against the petitioner, in the light of Supreme Court's decision in case of *Jai Prakash Singh vs. State of Bihar and others* reported in (2012) SCC 379, I am not inclined to grant the petitioner privilege of anticipatory bail.

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)

Rajesh/-

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