

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37172 of 2021

Arising Out of PS. Case No.-22 Year-2020 Thana- RAGHOPUR District- Supaul

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LAXMI SINGH @ LAXMI KUMAR SINGH Son of Shivan Singh Resident
of Village- Bhagata Tola Daulatpur, P.S.- Raghapur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 354(A), 379, 504, 147 and 148 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 21.01.2020, while he was telling the villagers about theft of his wooden articles which were to be used in building construction, the petitioner along with other accused persons came and started abusing and on orders of co-accused Shivan Singh, this petitioner gave *farsa* blow on the head and eyes of informant's brother namely Subhash Singh twice, it is



next alleged that Shivan Singh gave *lathi* blow which caused injury on the left jaw of Subhash Singh, thereafter Ashok Singh gave *dabia* blow on the head of informant's son Sunil Singh, and further Ashok Singh took away golden chain from Subhash Singh. It is next alleged that the injured were brought to the hospital from where they were referred to Sadar Hospital, Supaul and from Supaul to Darbhanga but the informant brought the injured to Virat Nagar, Nepal.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the date of occurrence is 21.01.2020 and the F.I.R. was instituted on 01.02.2020 i.e., after a delay of nearly more than 11 days without any plausible explanation. It is further submitted that if what has been alleged is true and the injured were taken to the hospital then why the police was not informed, it is next submitted that informant was not injured rather injury was inflicted on his son and brother but still the informant chose not to inform the police which amply demonstrates that the occurrence took place in a different manner and the petitioner came to be implicated when he is a person with clean antecedent. Learned counsel further submits that it absolutely does not stand to reason that when the



treatment could have been given to the injured at Sadar Hospital, Darbhanga then why he was taken to a private hospital at Virat Nagar in Nepal, this also casts aspersion on the conduct of the informant for not getting the injured treated in India so that the hospital could have informed the police about the occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the fact that there is an inordinate delay in instituting the F.I.R., the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Raghapur P.S. Case No. 22 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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