

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60594 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- ISHAKCHAK District- Bhagalpur

RAM UCHIT PAUL @ RAM LICHIT PAUL S/o Late Mauzi Prasad Pahl @ Fauzi Lal Pahl Resident of Mohalla- Railway Quarter T/8L, In front of Police Line Bhagalpur, P.S. Ishakchak, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Prashant Kumar @ Arbind Kumar Mali S/o Late Krishnanand Prasad Resident of Mohalla- Bhikhanpur, Gumti No.-02, Trimurti Chowk, P.S.- Ishakchak, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Prasad Roy
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-09-2022 Heard learned counsel for the petitioner, learned APP for the State and learned counsel appearing on behalf of O.P. No.2.

The petitioner apprehends his arrest in connection with Ishakchak P.S. Case No.90 of 2021, registered for the offences punishable under Sections 341, 323, 324, 406, 420 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that there is case and counter



case between the parties. It is submitted that O.P. No.2 has already been enlarged on provisional bail by this Court vide order dated 27.05.2021, passed in Cr. Misc. No.3808 of 2021 (Annexure-3). The O.P. No.2 undertook that he will deposit Rs.17,00,000/- (rupees seventeen lakhs) in four equal installments within nine months in the court below, but O.P. No.2 has not deposit the said amount, therefore, the provisional bail has not been confirmed by the court below.

Learned counsel appearing on behalf of O.P. No.2 opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner has suppressed the material fact that O.P. No.2 lodged the FIR against the petitioner earlier.

From perusal of the records, it appears that the occurrence took place on 02.07.2021, but the FIR was lodged on 14.07.2021, after delay of 12 days without giving any explanation, which creates a serious doubt on the prosecution case.

Taking into consideration the fact that there is delay in lodging the FIR, let 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 enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five



thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Ishakchak P.S. Case No.90 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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