

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62482 of 2021

Arising Out of PS. Case No.-45 Year-2019 Thana- NIMACHANDPURA District- Begusarai

Ram Badan Paswan Son Of Tunuk Paswan Resident Of Village - Ajhaur,
Chandpura, Distt.- Neema Chandpura, Distt.- Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 448, 341, 323, 307, 504, 379 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 14.07.2021, he is a person with clean antecedent and charge-sheet has been submitted in the case.

The learned counsel for the petitioner submits that the informant alleges that the petitioner on 15.05.2019 came to his house and assaulted him by an iron rod (khanti) on his head leading to grievous injury.

The learned counsel for the petitioner submits that



from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the date of occurrence is 15.05.2019 and the date of institution of the F.I.R. is on 04.07.2019 that the F.I.R. was instituted after an inordinate delay and further draws the attention of the Court towards the injury report of the informant which records that injury no.1 to be grievous in nature caused by hard and blunt substance.

The learned counsel thus submits that it absolutely does not stand to reason that if the petitioner was assaulted in the manner, it has been alleged, he was in hospital then definitely the hospital would have informed the police. It is further submitted that the delay has been tried to be explained by stating that the informant was unconscious, but the injury report does not reflect the nature of injury, as such, that the informant would have been unconscious for nearly 15 days.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody since 14.07.2021, he is a person with clean antecedent, charge-sheet has been submitted in the case and there is a delay in instituting the F.I.R., the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of



Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Neema-Chandpura P. S. Case No.45 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

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