

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62793 of 2021**

Arising Out of PS. Case No.-47 Year-2021 Thana- KHUDAGANJ District- Nalanda

Sonu Kumar @ Rakesh Kumar @ Sonu Kumar Yadav Son of Shiv Yadav
Resident of Village- Madud, P.S.- Khudaganj, District- Nalanda. (Bihar)
... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate
For the Opposite Party : Mr. Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 06-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of
Khudaganj P.S. Case No. 47 of 2021, disclosing offence
punishable under Section 302 of the Indian Penal Code.

It is alleged in the F.I.R. that the informant's father
was assaulted by the petitioner in the evening of 21.04.2021
when he had gone to answer the call of the nature. For treatment
of the injuries caused by assault, the victim was taken to
hospital where he died on 28.04.2021. On the basis of
Fardbayan, the F.I.R. came to be registered on 12.05.2021.

Learned counsel appearing on behalf of the petitioner
has submitted that there is no explanation in the F.I.R. as to why
immediately after the occurrence of the incident, no F.I.R. was



registered. He has further submitted that there is no justification for delayed lodging and registration of the F.I.R.. He further submits the very fact that the F.I.R. has been registered after 8 days after the date of occurrence which creates serious doubt over the veracity of the allegation made in the F.I.R.. The petitioner is in custody since 10.08.2021. As stated in paragraph 3 of the application and the petitioner does not have any criminal antecedent.

On perusal of material facts on record, I find force in submission made on behalf of the petitioner to the extent the same relates to delay in lodging of the F.I.R.. Considering the petitioner's period of incarceration and the material facts noted above, a case for grant of regular bail is made out. This application is accordingly allowed.

Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only), with two sureties of the like amount, each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, District-Nalanda in Khudaganj P.S. Case No. 47 of 2021.

(Chakradhari Sharan Singh, J)

K.K.RAO/-

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