

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64153 of 2021

Arising Out of PS. Case No.-620 Year-2020 Thana- LAHERIYASARAI District- Darbhanga

ROHIT THAKUR @ ROHIT KUMAR Son of Sanjay Thakur @ Sanjay Kumar Resident of Mohalla- Nakhas Chouk, P.S.- Town Hajipur, District- Vaishali (Hajipur)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachchidanand Choudhary, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2022 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 Section 392 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 04.12.2020, while he was returning by his motorcycle after completing his professional engagement of photography and when he reached near Shiv Temple, two persons riding on two motorcycles came and intercepted him and on the point of pistol snatched his Nixon camera and Rs. 500/- from his pocket and fled after snatching his mobile but



threw it at some distance.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case based on confessional statement of co-accused who was apprehended in some different case, it is next submitted that the alleged occurrence is dated 04.12.2020 and the F.I.R. came to be instituted on 20.12.2020 i.e., after an inordinate delay of 16 days for which there is no plausible explanation in the F.I.R. except the fact that informant alleges that he was feared. It is further submission of the learned counsel for the petitioner that if the informant was so fearful of the occurrence then how come he gathered courage after 16 days, thus submits that it appears that no such occurrence had taken place and the informant for some ulterior reason has instituted the present case and this important fact was overlooked by the learned court below while rejecting the anticipatory bail application of the petitioner.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but is not in a position to rebut the submission of the learned counsel for the petitioner with regard to delay in instituting the F.I.R.

Considering the submissions made by the learned counsel for the petitioner and the fact that the petitioner is a



person with clean antecedent and there was 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. 5,000/- (Rupees Five 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 Laheria Sarai P.S. Case No. 620 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

