

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70441 of 2021

Arising Out of PS. Case No.-212 Year-2021 Thana- AGIAON BAZAR District- Bhojpur

BABLU UPADHYAY @ BIJENDRA UPADHYAY Son of Upendra Upadhyay Resident of Village - Pitath, P.S.- Agiaon Bazar, District - Bhojpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-07-2022 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 Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the date of occurrence is 28.09.2021 and the F.I.R. has been instituted on 30.09.2021 i.e., after a delay of two days without any plausible explanation. It is next submitted that the informant in the F.I.R. alleges that he got treated at PHC and after his treatment the present F.I.R. came to be instituted.



Learned counsel thus submits that if the occurrence as alleged has taken place then the Primary Health Centre would definitely have informed the police station but the fact that the police did not come at the PHC for recording his statement, that amply demonstrates that the occurrence as alleged never took place and the injuries, if any, appear to be manipulated.

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, 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) 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 Agaion Bazar P.S. Case No. 212 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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