

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15003 of 2023

Arising Out of PS. Case No.-83 Year-2020 Thana- MORKAHI District- Khagaria

1. RAJESH SINGH Son of Nageshwar Singh R/V- Bachhauta, P.S- Morkahi Dist- Khagaria
2. Sajjan Kumar @ Chhote Son of Manoj Singh R/V- Bachhauta, P.S- Morkahi Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-05-2023 At the outset, learned counsel for the petitioners submits that during pendency of the instant application, Petitioner No.1 , namely, Rajesh Singh, has been arrested and therefore, he does not wish to press the application in respect of petitioner no. 1 as the same has become infructuous.

Heard learned counsel for the petitioner as well as learned APP for the State.

Petitioner No. 2 is apprehending his arrest in connection with Morkahi P.S. Case No. 83 of 2020 registered for the offence punishable under Sections 147, 341, 323, 307, 325, 379, 504, 506, 120(B) of the Indian Penal Code (for brevity 'IPC').



As per prosecution case, it is alleged that the informant, who was driver and working since last four years, was called upon 17.07.2020 and thereafter, the First Information Report (for brevity 'FIR') named accused persons abused and assaulted the informant.

It is submitted on behalf of the petitioner that occurrence is said to have taken place on 17.07.2020 but the fardbeyan of the informant was recorded on 20.07.2020 and thereafter, the substantive FIR has been instituted on 10.08.2020 but no explanation has been given for such delay. It is next submitted that the informant was examined by the private doctor on 17.07.2020 itself but no injury has been found over temporal region and only bleeding has been found from his left ear.

On the other hand, learned APP for the State opposes the bail application of the petitioner No. 2.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is delay in lodging of the FIR and moreover, the injuries have been found to be simple in nature and petitioner No. 2 has no criminal antecedents, this Court is inclined to allow petitioner No. 2 prayer for grant of anticipatory bail.

Accordingly, let the petitioner No. 2, above named, in the



event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Khagaria in connection with Morkahi P.S. Case No. 83 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if they fail to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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