

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61846 of 2023

Arising Out of PS. Case No.-146 Year-2009 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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HARI SHANKAR SINGH @ HARI SINGH S/O SITA RAM SINGH R/O
MOHALLA- BHIKHANPURA MAHAMMADPUR KAZI, PS. SADAR,
DIST. MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate
For the State : Mr. Mohammed Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in case registered for
the offences punishable under Sections 341, 342, 323, 324, 307,
427/34 of the Indian Penal Code.

3. As per F.I.R., on 02.07.2009, brother of the
informant went to attend a marriage function where some
dispute arose between the parties as a result of which when
brother of the informant was returning home, all the accused
persons including this petitioner brutally assaulted him.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case and Police
after investigation submitted final form against him. Thereafter,
petitioner became seriously ill and later moved his prayer for



grant of anticipatory bail which was rejected on 20.06.2013 by the Sessions Judge, Muzaffarpur. It is next submitted that since then, petitioner could not move before this Court for grant of bail as his health became critical. Petitioner was living out of State for his treatment and became dependent on his family so he failed to take further step in this case.

5. Learned A.P.P. for the State opposes the bail application and submits that no satisfactory explanation has been given on behalf of the petitioner as to why the petitioner took 14 years to move before this Court. He further submits that from perusal of Annexure -P/2 Series it is apparent that petitioner was very much in the State of Bihar for his treatment and there is no such report in which doctor has advised him complete bed rest. Therefore, the explanation given by the petitioner cannot be accepted.

6. Considering the nature of accusation and inordinate delay and laches on the part of the petitioner, prayer for anticipatory bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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