

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38633 of 2024**

Arising Out of PS. Case No.-1749 Year-2022 Thana- BHAGALPUR COMPLAINT CASE  
District- Bhagalpur

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OM PRAKASH SON OF LALAN PARASAD SINGH RESIDENT OF  
VILLAGE - ABUMAHMADPUR, P.S. - BAKHTIYARPUR, DISTRICT -  
PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MD. ARSHAD SON OF LATE MD. ABDUL BAQUI RESIDENT OF  
VILLAGE AND P.O. - SIMARIA, P.S. - KAJRAILI, DISTRICT -  
BHAGALPUR

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| For the Petitioner/s     | : | Mr.Shashi Chandra Pandey, Advocate |
| For the Opposite Party/s | : | Mr.Aditya Narayan Singh.1, APP     |
| For the informant        | : | Mr. Aditya Narayan, Advocate       |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      09-08-2024                      Heard the parties.

2. The petitioner is apprehending arrest in connection  
with Complaint Case No. 1749 of 2022 instituted under Sections  
380, 325, 386/34 of the Indian Penal Code.

3. As per the prosecution story, the complainant  
alleged that in a conspiracy, the complainant was locked up in  
the 'hazat' of Jagdishpur police station remained in detention for  
long and was tortured. Further, they were made to sign  
documents. Allegation is that the accused persons forcibly took  
away the wooden logs and were selling it. Accordingly,  
complaint against Shoib & other accuseds.



4. Learned counsel for the petitioners submit that the occurrence is of 17.08.2022 whereas the complaint was lodged on 20.09.2022 and such inordinate delay has not been explained. Further submission is that one of the witness, Md. Haider Imam himself in course of enquiry, submitted that he has purchased the woods from the complainant. The last submission is that none of the petitioner has criminal antecedent.

5. Mr. Aditya Narayan Singh, on the other hand has taken this Court to the observation made by the learned Sessions Judge while rejecting the anticipatory bail application in which he has recorded that the petitioner being the Station Head Officer, Jagdishpur (bypass) chose not to register the case against the accused persons and further admitted to have asked the parties to settle their dispute before the FIR is registered.

6. In that background, the complainant forwarded an application to the S.S.P., Bhagalpur and only thereafter, the complaint. He submits that the conduct of the petitioner can be seen from the fact that after the complaint having been filed, he waited for long before approaching the learned Sessions Judge for anticipatory bail which came to be rejected on 18.09.2023. Still, he took another eight months to approach this Court and he being the Station Head Officer such laxity cannot be



overlooked.

7. Taking into account all the aforesaid facts as also the submission put forward by the learned APP and the conduct of the petitioner, no relief can be granted. The anticipatory bail application stands rejected.

8. If however, the petitioner surrenders and prays for bail in next four weeks, the concerned Court shall take up the matter and dispose it of preferably on the same day.

**(Rajiv Roy, J)**

Ravi/-

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