

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7107 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- PARSAUNI District- Sitamarhi

JAI PRAKASH SAH @ HENGARIYA Son of Sonfi Sah Resident of Village
- Meenapur Balha, P.S.- Piprahi, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 4.10.2018 in a case registered for the offences punishable under Sections 341,324,307 and 506/34 of the I.P.C.

The prosecution case as per the Fardbeyan of Rajesh Ray recorded by ASI Sanjay Kumar Sharma on 3.10.2018 at 10.10 P.M. at Nandipat Memorial Hospital, Sitamarhi, is to the effect that on the same day at 8.00 P.M., one person came to the shop of the informant and asked his brother, Awadhesh Rai to come along with him on the pretext of the business of meat, whereupon the brother of the informant went outside and after some time, he started crying saying that he has been stabbed. When the informant came outside, he found three persons fleeing and on being asked, the brother of the informant



disclosed that all the FIR named accused persons took him outside and stabbed him causing injury.

It is submitted by learned counsel for the petitioner that as per the FIR, admittedly the informant is not the eye witness to the occurrence and the accusation against the petitioner has been levelled on the basis of statement of the injured, i.e., brother of the informant. It is further submitted that during investigation, the injured in his statement under Section 161 of the Cr.P.C., stated that he was being assaulted by co-accused Sanjay Sah. Same was the submission of learned counsel for the petitioner before the learned Court below which has also been noticed by the learned Sessions Judge while going through the case diary, which gets reflected from the impugned order. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner that he caused stab injury to the injured and the same has been found to be grievous.

Considering the fact that the accusation against the petitioner is based on the statement of injured made to the informant whereas the injured has stated in his statement under Section 161 Cr.P.C. during investigation that co-accused Sanjay



Sah caused injury, coupled with the fact that investigation has already been concluded and the period under custody, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sitamarhi in connection with Parsauni P.S. Case No.67 of 2018.

(Dinesh Kumar Singh, J)

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