

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28945 of 2020**

Arising Out of PS. Case No.-393 Year-2019 Thana- SAUR BAZAR District- Saharsa

Kanchan Singh, S/o Kamaleshwari Prasad Singh, Resident of Village-Golma,
P.S.-Saur Bazar (Patarghat OP), District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 09-11-2020 Since as of now the Courts have not resumed

normal physical hearing, the matter has been listed today

for consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence.The Court Master and
Secretary are also part of this virtual Court proceedings
from their homes, all with the aid of audio visual
technology.

Mr.Kalyan Shankar, learned APP is appearing for
the State as it is submitted that the brief has been allotted to
him by the office of Advocate General.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Saur



Bazar (Patarghat O.P.) P.S. Case No.393 of 2019 registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

The allegation as per the F.I.R. against the petitioner is that he has given knife blow on the abdomen of Sajan Kumar.

Petitioner's counsel submits that having clean antecedents, the petitioner is now in custody in connection with this case since 19.09.2019.

The fact of the matter is that Sajan Kumar (victim) was a notorious criminal of the area and he in an inebriated condition after consuming liquor near the petitioner's house, assaulted co-accused Rajan Kumar, for which Saur Bazaar (Patarghat O.P.) P.S. Case No.392 of 2019 was lodged and in consequence thereof, the petitioner and other co-accused have been implicated in this case.

It is submitted that the F.I.R. discloses that knife injury in the abdomen of Sajan Kumar has been caused by the petitioner as well as multiple injuries have been caused by Gandori Singh. The medical report, however, shows one knife blow in the abdomen. The falsity of the petitioner's implication is apparent from the fact that the allegations are



not corroborated by the medical evidence.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 Chief Judicial Magistrate, Saharsa, in connection with Saur Bazar (Patarghat O.P.) P.S. Case No.393 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor 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 he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks



from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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