

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75576 of 2019

Arising Out of PS. Case No.-342 Year-2019 Thana- SARAI District- Vaishali

PINTU SAHNI @ PINTU KUMAR Son of Late Anup Sahni @ Ram Anup Sahni, Resident of Village - Bhojpatti, P.S.- Sarai, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Singh
For the Opposite Party/s : Mr.Madhuri Lata (APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-06-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Sarai P.S. Case No 342 of 2019, disclosing offences punishable under Sections 341, 342, 323, 324, 307, 379 and 504/34 of the Indian Penal Code.

The brother of the victim is the informant of the case registered on 25.09.2019, on the basis of written report of the informant dated 22.09.2019. As per the F.I.R., the occurrence had taken place on 21.09.2019. Allegedly when the informant's brother was returning back to his home from his computer coaching center on 21.09.2019, the informant had a talk with him in the evening. Thereafter, his (victim's) cell phone was switched off. When he did not return till late in the evening,



allegedly the informant started searching for him when he was finally found lying unconscious near a bush in village Bhojpatti of Sarai Police Station. He was taken to Sadar Hospital, from where the informant's brother was referred to P.M.C.H. for treatment. Subsequently, he was taken to Ruban Hospital.

According to the informant, he learned from the people of Bhojpatti that persons named in the F.I.R. including the petitioner were seen assaulting the victim.

Case diary was called for by this Court, which is available. The victim's statement has been recorded by the police, which is there in paragraph 45 of the case diary. He is said to have disclosed the date of occurrence as 19.09.2019.

Learned counsel appearing on behalf of the petitioner has submitted that entire case of the prosecution as narrated in the First Information Report comes under serious doubt in view of clear contradiction between the case of prosecution as narrated in the F.I.R. and the statement of victim recorded by the police in course of investigation.

Considering the aforesaid submission, in my opinion, ad case for grant of bail is made out also for the reason that the petitioner is in custody since 26.09.2019, and he does not have any criminal antecedent.



This application is accordingly allowed.

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
A.C.J.M-XIII Vaishali, Hajipur in connection with Sarai P.S.
Case No. 342 of 2019.

(Chakradhari Sharan Singh, J)

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