

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84604 of 2019

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

SANJIT PASWAN S/O- Late Mahendra Paswan Resident of Village -
Bhojpatti, P.S.- Sarai, District - Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for bail has been filed by the petitioner, who is in custody in connection with Sarai P.S. Case No.342 of 2019, registered for the offence punishable under sections 341, 342, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated by the informant that his brother, who was coming home disappeared and his mobile phone was also found to be switched off. It subsequently transpired that some persons had left one person in an abandoned condition who had been taken by the police to the Sadar Hospital. On reaching the hospital, the informant found his brother unconscious. He was referred to the P.M.C.H., Patna. It subsequently transpired that the seven named accused persons



including the petitioner herein had assaulted his brother with lathi, danda etc. and had abandoned him thinking him to be dead.

It is submitted by learned counsel for the petitioner that no motive has been assigned in the F.I.R. No specific allegation has been levelled against the petitioner and admittedly the informant is not an eyewitness to the occurrence. The informant also does not state his source of knowledge of coming to know about the manner of occurrence. It is finally submitted that the petitioner has no criminal antecedent and he is in custody since 25.09.2019.

On perusal of the case diary, it transpires that the statement of the injured brother of the informant was recorded. The injured has taken the name of this petitioner in course of his statement under section 161 of the Cr.P.C.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, specially in view of the statement of the injured brother of the informant under section 161 of Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and as such the application for regular bail



is rejected.

However, in the facts and circumstances of the case, if
so advised, the petitioner may renew his prayer for bail after six
months.

(Partha Sarthy, J.)

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