

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83075 of 2019

Arising Out of PS. Case No.-124 Year-2019 Thana- MADHUBAN District- East Champaran

Bittu Kumar (M), aged about 25 years, son of Krishnandan Sah, resident of Village- Khairwa, P.S.-Madhuban, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.vUmesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-01-2020

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

2. The petitioner apprehends arrest in connection with Madhuban PS Case No.124 of 2019 dated 10.06.2018 instituted under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. The allegation against the petitioner is that he had taken the informant on his motorcycle to a place where others had assaulted him with weapons leading to injuries.

4. Learned counsel for the petitioner submitted that the allegation against him is false and concocted. It was submitted that the maternal sister of the petitioner, who is the wife of the informant, has lodged Madhuban P.S. Case No.181



of 2011 under Sections 498-A, 341, 323/34 of the Indian Penal Code against the informant and others and to exert pressure in the said case, the petitioner has been made an accused in the present case. It was submitted that in such background, it cannot be believed that the petitioner would come to the house of the informant and at his behest the informant would go with the petitioner on his motorcycle. Learned counsel submitted that the petitioner does not have any other criminal antecedent and further no motive has been mentioned in the FIR as to why the petitioner would act in the manner as alleged.

5. Learned APP submitted that as per the allegation the petitioner had taken the informant to a place where others had assaulted him. However, he did not controvert the fact that against the petitioner only allegation is that he had taken the informant from his house and neither any overt act has been assigned to him nor there is any motive mentioned in the FIR.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the



Additional Chief Judicial Magistrate-IV, Motihari, East Champaran, in Madhuban PS Case No.124 of 2019 subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7.The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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