

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20105 of 2021**

Arising Out of PS. Case No.-403 Year-2020 Thana- KORHA District- Katihar

Md.Sakib @SAKIB Alam Son Of Md.Tanveer @ Tanwir Alam Resident Of
Village - Naya Tola, Jorabganj, Korha Nahar, P.S.- Korha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 20-07-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Korha P.S. Case No. 403 of 2020 registered for the offence punishable under Sections 307, 379, 341, 323, 504, 506/34 of the Indian Penal Code.

Allegation against the petitioner is that petitioner along with other co-accused persons called informant's son at Basic School and started abusing him and with an intention to kill him assaulted on his head by sharp cut weapon as a result of which informant's



son fell down and admitted to hospital by police for further treatment. It is alleged that all the accused persons are in drunken condition.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that the occurrence took place on 23.08.2020 and the present F.I.R. has been instituted on 30.08.2020 i.e. after 7 days of the alleged occurrence and regarding the said delay the informant could not give any explanation. He submits that there is no specific allegation against the petitioner. He further submits that injured gave his statement before the police in which he has stated that *Gaurav Jha* assaulted him by butt of pistol and *Golu Kumar* and this petitioner assaulted him by leg and fists but the doctor did not find any other injury of assault over his body which itself goes to show that injured gave a contradictory statement. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 22.11.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Korha P.S. Case No. 403 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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