

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33412 of 2020

Arising Out of PS. Case No.-184 Year-2020 Thana- KADAMKUAN District- Patna

SANJAY KUMAR @ SANJU KUMAR, S/o Sri Ram Chandra Das, R/o Mohalla- East Lohanipur, Ambedkar Colony, P.S.- Kadamkuan, District- Patna ... Petitioner

Versus

1. The State of Bihar
2. SHIKHA KUMARI, D/o Late Vinod Mahto, R/o Mohalla- East Lohanipur, Ambedkar Colony, P.S.- Kadamkuan, District- Patna ... Opposite Parties

Appearance :

For the Petitioner : Mr. Dharmendra Kumar Paswan, Adv.
For the Opposite Parties : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 12-03-2021 As prayed for, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 07.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Kadamkuan P.S. Case No. 184 of 2020, registered under Sections 307, 323, 341 and 34 of the Indian Penal Code.

The accusation is that in the late evening of 08.05.2020, maternal uncle of the informant, Shikha Kumari, was accompanied by her father-in-law, Rajballabh Chaudhary,



whose house is situated adjacent to her house. After some time, she heard the sound of crying of her maternal uncle, then, her maternal grand-mother rushed there, then, she found that maternal uncle is lying on ground and he was being assaulted by her father-in-law, Rajballabh Chaudhary, and son, Ravi Chaudhary, where Sanju Kumar (petitioner) and Dinesh Manjhi were also present with iron rod and they were also indulged in assault. When maternal grand-mother tried to save her maternal uncle, then, Sanju Kumar and Dinesh Manjhi laid her on ground and caused assault through leg on her chest. Informant, at that time, also sustained fracture injury at her hand.

Submission is that wife of informant's maternal uncle is the daughter of co-accused, Rajballabh Chaudhary, which has been deserted by the maternal uncle of the informant and his family members, regarding which Panchayati was arranged in which it was decided that the maternal uncle of the informant use to reside with his wife separate from his family. Due to that reason the maternal grand-mother of the informant managed to lodge the present case with false allegation. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of



surrender/arrest, within a period of four weeks from today, in connection with Kadamkuan P.S. Case No. 184 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ratneshwar Kumar Singh, Sub Judge-cum-Additional Chief Judicial Magistrate, XII, Patna, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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