

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 2231 of 2021

Arising Out of PS. Case No.-135 Year-2020 Thana- MANIGACHI District- Darbhanga

BHARAT SADAI SON OF LAXMAN SADAI ALIAS LAKSHMAN SADAI
RESIDENT OF VILLAGE - DAHAURA, P.S. - MANIGACHHI, DISTRICT
- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Baidya Nath Prasad, Advocate
For the State	:	Mr Mithilesh Kumar Khare, APP
For the Informant	:	M/s Fakhruddin Ali Ahmad, Shashi Bhushan Kumar, Arti Kumari, Advocates

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

8 09-08-2021 This case has been taken up for consideration today through Video Conferencing.

Heard learned counsel for the petitioner; learned counsel for the informant and the learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

Petitioner seeks bail in Manigachhi Police Station (for brevity, *PS*) Case No 135 of 2020 registered under Sections 302, 120B/34 of Indian Penal Code

The informant has alleged that his brother had gone for panchayati and when he was returning to his house, two named accused persons and five other unknown persons had intercepted him and brutally injured him with knife.



Learned counsel for the petitioner submits that petitioner was not named in the First Information Report. The informant, in his restatement recorded before the police, has also not named the petitioner. The named accused persons also, in their statements recorded in the course of investigation, has not named the petitioner. More than a month later after the alleged occurrence, one co-accused Sher Ali, in his confessional statement, has stated about the occurrence and about the petitioner playing the role of a liner. Such statement has no evidentiary value. The petitioner according to him was updating movement of the victim facilitating assault by the accused persons. The petitioner is also stated to be in custody now since 12.07.2020.

The learned counsel for the informant as well as the learned APP have opposed the prayer for bail.

The informant's counsel submits that the informant has filed a petition to the effect that the accused persons, including the petitioner, have been threatening him. He submits that the petitioner has also suppressed his criminal antecedents in his bail application and only after an objection was raised by the informant, the petitioner has filed a supplementary affidavit disclosing the four cases, pending against him. The deceased



had also lodged a police case alleging that the petitioner was threatening him of dire consequences in case of failure to pay *Rangdari*. The photostat copy of Manigachhi PS Case No 18 of 2017 has been annexed as Annexure B to the counter affidavit filed on behalf of the informant.

Having considered the rival submissions, this Court, for the present, is not inclined to grant bail to the petitioner, Prayer is rejected.

(Madhuresh Prasad, J)

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