

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8071 of 2022

Arising Out of PS. Case No.-479 Year-2021 Thana- RAJIVNAGAR District- Patna

Harshit Kumar Son Of Satendra Chaubey, R/O - Road No.9b, Rajeev Nagar,
Tenant Of Mithlesh Kumar Singh, P.S.- Rajeev Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Anuj Kumar, Advocate Mr. Abhinav Ashok, Advocate Mr. Shyam Kishore, Advocate Mr. Aditya Pandey, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	Mr. Jitendra Kumar Singh, Advocate Mr. Rajeevesh Niranjana, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 19-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Rajeev Nagar P.S. Case No. 479 of 2021
registered for the alleged offences under Sections 341, 324, 307,
326 and 379 of the Indian Penal Code.

As per prosecution case, the petitioner assaulted the
son of the informant with a knife and gave blows on his neck.
Taking advantage of commotion, the petitioner fled away from



the spot.

The learned senior counsel appearing for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The F.I.R. has been lodged on 29.10.2021 but the same was came to the learned C.J.M. on 01.11.2021 and this delay shows concoction and fabrication. The learned senior counsel further submits that though there is allegation that the petitioner slit the throat of the informant, however, there was no allegation that there is repetition of knife blow. Even the knife was handed over to the police by the informant and was not recovered from the possession of the petitioner. The blood stained knife and other material have not been sent to the Forensic Laboratory for test. No reason for the alleged occurrence has been mentioned by the informant. As a mater of fact, the learned counsel submits, the informant and the father of the petitioner are own brothers and due to property dispute, this false case has been lodged. The petitioner is in custody since 03.11.2021 and charges have been framed. The petitioner has got no criminal history.

Learned APP for the State as well as learned counsel appearing on behalf of informant oppose the prayer for bail. Learned counsel for the informant submits that from the F.I.R. it



is very much apparent that it was the petitioner who gave knife blow on the neck of the son of the informant, who received grievous injuries and somehow his life would be saved. The victim has also named the petitioner who assaulted him with knife.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the framing of charge with clean antecedent of the petitioner and also considering his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Patna, in connection with Rajeev Nagar P.S. Case No. 479 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be



cancelled by the court concerned.

(Arun Kumar Jha, J)

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