

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8077 of 2022

Arising Out of PS. Case No.-357 Year-2021 Thana- CHHATAUNI District- East Champaran

Sumant Kumar Son Of Ramesh Sah, R/O Village- Bara Bariarpur, Ward No.1,
P.S.- Chhatauni, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2022 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 Chhatauni P.S. Case No. 357 of 2021 registered
for the alleged offences under Sections 147, 149, 341, 323, 504,
302 of the Indian Penal Code.

As per prosecution case, the son of the informant was
assaulted by the petitioner and other co-accused persons and
further allegation against the petitioner is that he stabbed the son
of the informant to death.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case, as the petitioner is a friend of one Roop Lal Sah who was in love with the sister of the deceased and when the family members of the informant came to know about the relationship, they named this petitioner taking advantage of the opportunity. The informant is not an eye witness and no one has seen the occurrence. Nothing material has come on record to implicate the petitioner in the present case. No recovery of any incriminating article has been made at the instance of the petitioner. The son of the informant sustained injuries somewhere else and due to previous enmity the petitioner has been falsely implicated in this case. The petitioner is in custody since 19.09.2021 and charge-sheet has been submitted in this case but prosecution evidence has not been recorded. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail submitting that the witnesses in paragraph 29, 30, 31, 39, 40 and 41 of the case diary have supported the prosecution case. The postmortem report shows death has been caused by shock and haemorrhage due to injuries of left lungs caused by sharp cutting substance.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the specific nature of allegation of causing death against the



petitioner, I am not inclined to grant bail to the petitioner.
Hence, the prayer for bail is rejected.

(Arun Kumar Jha, J)

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