

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20029 of 2022

Arising Out of PS. Case No.-239 Year-2020 Thana- SHEKHPURA District- Sheikhpura

Nitish Tanti Son Of Radhe Tanti @ Radhey Tanti R/O Village- Pachna, P.S.-
Sheikhpura, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 12-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sheikhpura P.S. Case No. 239 of 2020 lodged under Sections
457, 307, 326 of the Indian Penal Code.

As per the prosecution case, the allegation to have cut
the neck of the wife of the informant is there in the F.I.R. by the
brother of the present petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that in the F.I.R. the alleged victim has disclosed the name of
brother of the petitioner. He further submits that the said named

accused person has been granted Anticipatory Bail by the Co-ordinate Bench of this Court vide order dated 22.02.2022 passed in Cr. Misc. No. 10096 of 2021. He further submits that petitioner is in custody since 27.01.2022, having one criminal antecedent which has been lodged after filing of the present case as an information in this regard has been placed on record by way of filing supplementary affidavit. He further submits that another Co-accused Mohan Tanti has also been granted Anticipatory Bail by the Co-ordinate Bench of this Court vide order dated 24.08.2022 passed in Cr. Misc. No. 20028 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that in her statement recorded under section 161 of Cr.P.C., the victim herself disclosed the name of all the 3 brothers including the present petitioner who has helped the other two accused persons in commission of the crime.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the cause of delay has already been explained in the F.I.R. Leaned counsel for the informant further submits that for her treatment, the victim was referred from Sadar Hospital Sheikhpura to PMCH and for continued one month she was under treatment. When she was in a position to talk, she has disclosed her statement under Section

161 Cr.P.C.

Upon query from the learned counsel for the petitioner that whether charge has been framed in this case or not, learned counsel for the petitioner has shown his inability to inform this Court that whether charge has been framed or not.

In the present facts and circumstances and the submissions made above, I am not inclined to grant bail to the petitioner at present. But, hereby liberty is granted to the Trial Court that he shall release the petitioner on bail after framing charge in this case on its own condition so that he can not evade his appearance from trial.

With these observations, the present bail application stands rejected.

(Dr. Anshuman, J.)

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