

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52959 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- CHIRAIYA District- East Champaran

CHANDRA KISHORE SINGH S/o LATE RAJENDRA SINGH R/o
VILLAGE-NARULLAHPUR, P.S.- CHIRAIYA (SHIKARGANJ),
DISTRICT- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Neeraj Kumar Alias Sanidh, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP
For the Informant	:	Mr. Sanjay Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-06-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that her father was doing the work of mason in the house of the accused persons, including the petitioner, and her father was demanding money for the work done in the last six months but the accused persons were not paying the same, accordingly on 12.03.2021 at 9:00 AM when the informant's father went to work at the place of accused persons and demanded his wages,



all the three named accused persons, including the petitioner, took the informant's father on the roof of their house, assaulted him and thereafter it is alleged that this petitioner gave orders to kill on which his son Dharmendra Kumar pushed the informant's father from the roof of his house on account of which he fell and sustained injury, accordingly he was taken to the hospital for treatment.

Learned counsel for the petitioner submits that the occurrence is of 12.03.2021 and the F.I.R has been instituted on 04.04.2021 i.e., after an inordinate delay of 22 days, it is next submitted that it absolutely does not stand to reason that as to why the present F.I.R. was not instituted by the injured when he was in hospital or why his statement was not taken by the police when he was under treatment. Learned counsel further submits that it also does not stand to reason that if the wages of the injured were not being paid for the last six months then why he had gone for work in the house of the accused persons, including the petitioner, it is further submitted that the F.I.R. also does not even remotely suggest that the informant has instituted the present F.I.R. based on information received by the injured, further the informant is not an eye-witness to the occurrence but still she has given a vivid description of the



occurrence when the F.I.R. does not even remotely suggest that the injured even remotely had informed the informant about the occurrence as alleged.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner and learned counsel for the informant submits that the injured during the course of treatment died on 07.10.2021 on account of the injuries suffered by him.

Learned counsel for the petitioner rebuts the submission of the learned counsel for the informant and submits that the date of occurrence is 12.03.2021, the F.I.R. was instituted on 04.04.2021 and the death occurred on 07.10.2021 as such it cannot be said that this occurrence was the proximate cause for the death of the deceased, learned counsel further submits that it appears that while father of the informant was working, he slipped and fell from the roof on account of which he sustained injuries and the informant took the same as an opportunity to implicate the petitioner in the present false case by way of afterthought after a delay of 22 days.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chiraiya (Shikarganj) P.S. Case No. 75 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

