

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45005 of 2022

Arising Out of PS. Case No.-107 Year-2022 Thana- GANDHIMAIDAN District- Patna

Satyendra Kumar @ Satyendra Ram, S/O Late Mahendra Ram, Resident of
village- Sagar Pokhra, ward no- 39, P.S.- Town, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahasweta Chatterjee, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-12-2022 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 Gandhi Maidan P.S. Case No. 107 of 2022
registered for the alleged offences under Sections 399, 402, 414,
413 of the Indian Penal Code and Section 25(1-B)A/26, 35 of
the Arms Act.

As per prosecution case, the petitioner and the
informant were in acquaintances and the informant needed some
money and she was called by the petitioner to his house. But the
informant did not go inside the house of the petitioner, who was
in inebriated condition, and he tried to forcibly take the
informant inside his house and when the informant resisted, he



gave knife blow on her neck and she started bleeding. The petitioner fled away from the spot when informant raised alarm.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has never been implicated in any criminal case earlier and it was the informant who pressurized the petitioner to give loan her Rs. 3,000/-, but the petitioner showed his inability. The informant started threatening the petitioner taking a kitchen knife and told him that she would falsely implicate him if he would not give her money. In the scuffle, the injury was caused on the throat of the informant. The said injury was found to be simple when the doctor examined it and vital organs were intact, so there was no intention to cause death of the informant. Furthermore, there is no allegation of any sexual assault, as only allegation is that the petitioner tried to forcibly take the informant inside his house. There is no eye witness to the occurrence and all the witnesses came after hearing the alarm raised by the informant. The petitioner is a married man having three children and he is the only earning member of his family and after his arrest his family is at the stage of starvation. The petitioner is in custody since 04.03.2022 and charge-sheet has been submitted. The petitioner has got clean antecedent.



Learned APP for the State opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge-sheet and the period of custody of the petitioner along with his clean antecedent, 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-XIV, Patna, in connection with Gandhi Maidan P.S. Case No. 107 of 2022, 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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