

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62296 of 2021

Arising Out of PS. Case No.-102 Year-2021 Thana- CHACKMEHSI District- Samastipur

Vijay Khan @ Vijay Kumar Sharma S/o Ram Sogarath Khan R/o Village-
Nawabganj, P.S.- Chakmehsi, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304 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 husband on 03.07.2021 had gone to meet Mukhiya Jee after having conversation with him over phone regarding a dispute and when he reached near Brahamasthan, he stopped because of the fear of barking dogs where the accused persons assaulted him by means of *lathi*, bricks and stone and left the informant's husband in a precarious condition from where police brought him to PHC, Kalyanpur and from there he



was referred to Sadar Hospital, Samastipur. It is next alleged that on seeing the critical condition of her husband, he was admitted in a private hospital at Darbhanga and during the course of treatment his husband died. Her husband narrated the whole incident about the accused persons to the informant in the hospital when he regained consciousness.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that if what has been alleged is true, then definitely the police would not have allowed the informant to take her husband to a private hospital and even if she would have taken her husband to private hospital then the police would have recorded his *fardbyan* or the statement of informant at the hospital itself. Learned counsel next submits that the informant is not an eyewitness to the occurrence and she has tried to falsely implicate the petitioner as would be evident from Annexure-2 to the anticipatory bail application which is Chakmaheshi P.S. Case No. 99 of 2021 instituted by the police on 04.07.2021 with an allegation that the husband of the informant was found in a drunken condition and hence he was arrested.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

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 Chakmaheshi P.S. Case No. 102 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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