

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11836 of 2022

Arising Out of PS. Case No.-109 Year-2021 Thana- MEHANDIGANJ District- Patna

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Anup Kumar @ Akela, Son Of Ashok Kumar Chaudhary @ Ashok Kumar Chaudhary Resident Of Village - Murtuliganj, P.S.- Menhadiganj, Distt.- Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 14440 of 2022

Arising Out of PS. Case No.-109 Year-2021 Thana- MEHANDIGANJ District- Patna

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Pintu Kumar, Son Of Santu Singh @ Satyendra Singh Resident Of Village- Muturjiganj, P.S.- Mehandiganj, District- Patna, At Permanent Resident Of Village- Nathachak, P.S.- Ben, District- Nalanda.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 11836 of 2022)

For the Petitioner/s : Mr. Ranjit Prasad

For the Opposite Party/s : Mr. Navin Kumar Pandey

Mr. Harish Kumar

(In CRIMINAL MISCELLANEOUS No. 14440 of 2022)

For the Petitioner/s : Mr. Hansraj

For the Opposite Party/s : Mr. Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-01-2023 **CRIMINAL MISCELLANEOUS No.11836 of 2022**

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State through video conferencing.

The petitioner seeks bail in a case registered for the



offences punishable under Sections 323, 341, 326, 307/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 14.09.2021, he is a person with clean antecedent, charge-sheet has been submitted in this case and the informant alleges that Pintu Kumar and petitioner stabbed his brother, who was taken to hospital for treatment.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is also submitted that it appears that the informant, in order to implicate the petitioner, has made exaggerated allegations. It is next submitted that no doubt, the injury report submitted records that the injury is grievous in nature, but then from perusal of the injury report, it also manifest that the victim received only one stabbed wound injury. It is next submitted that it absolutely does not stand to reason that if both Pintu and petitioner had assaulted the victim by knife separately, then definitely two wounds would have been found, but the fact that only one wound has been found that creates doubt that as to whether the petitioner assaulted the victim or not. The learned counsel next submits that the purpose of arrest is not to punish but to ensure that the investigation is not hampered and in the present case,



the petitioner has remained in custody despite being a person with clean antecedent for more than a year and charge-sheet has been submitted. It is also submitted that the petitioner undertakes that he will cooperate in the trial and will not abscond.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioner that though there is allegation of stabbing the victim by Pintu Kumar and the petitioner, but then on the body of the victim, only one stab wound was found.

Considering the submission made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Menhadiaganj P. S. Case No.109 of 2021.

The application stands allowed.

However, in the event, if the learned trial Court comes to a conclusion that the petitioner after his release on bail is trying to delay the trial in any manner, the learned trial Court



shall forthwith cancel his bail bonds after recording reasons.

CRIMINAL MISCELLANEOUS No. 14440 of 2022

Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks bail in a case registered for the offences punishable under Sections 323, 341, 326, 307/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 24.09.2021, he is a person with clean antecedent, charge-sheet has been submitted in this case and the informant alleges that the petitioner along with Anup Kumar stabbed his brother, who taken to hospital for treatment.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is also submitted that it appears that the informant, in order to implicate the petitioner, has made exaggerated allegations. It is next submitted that no doubt, the injury report submitted records that the injury is grievous in nature, but then from perusal of the injury report, it also manifest that the victim received only one stabbed wound injury. It is next submitted that it absolutely does not stand to reason that if both petitioner and Anup Kumar had assaulted the victim by knife separately, then definitely two



wounds would have been found, but the fact that only one wound has been found that creates doubt that as to whether the petitioner assaulted the victim or not. The learned counsel next submits that the purpose of arrest is not to punish but to ensure that the investigation is not hampered and in the present case, the petitioner has remained in custody despite being a person with clean antecedent for more than a year and charge-sheet has been submitted. It is also submitted that the petitioner undertakes that he will cooperate in the trial and will not abscond.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioner that though there is allegation of stabbing the victim by this petitioner, but then on the body of the victim, only one stab wound was found.

Considering the submission made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with



Menhadiaganj P. S. Case No.109 of 2021.

The application stands allowed.

However, in the event, if the learned trial Court comes to a conclusion that the petitioner after his release on bail is trying to delay the trial in any manner, the learned trial Court shall forthwith cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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