

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28087 of 2023

Arising Out of PS. Case No.-441 Year-2022 Thana- SULTANGANJ District- Patna

SATYAM KUMAR @ SATYAM RAJ SON OF LATE PINTU MAHTO @
AMIT KUMAR R/O Mohalla-Musallahpur Nathun Lane, P.S. Kadam Kuan,
District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rekha Prasad

For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 25-07-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 448, 323, 324, 307, 34,
379, 504 of the Indian Penal Code.

3. The informant alleges that the petitioner assaulted him
indiscriminately by hockey stick causing injury on head and
threatened with pistol while Bittu snatched his gold chain.

4. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and is a young boy aged
about 22 years.

5. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case, it is next
submitted that from bare perusal of the allegations as alleged in the
FIR, it would manifest that the dated of occurrence is 26.11.2022 and
it has been alleged that on account of assault, the informant fell and



he was admitted in PMCH by the police but then no FIR came to be instituted on the dated of occurrence, rather, his statement was recorded on 30.11.2022 i.e., four days of the occurrence and thereafter, on 02.12.2022, the FIR was instituted, it is next submitted that the FIR does not even remotely suggests that the informant was lying in an unconscious state, as a result of which he could not have disclosed about the occurrence to the police, it is further submitted that informant rather alleges after assault Bittu snatched his chain which amply demonstrates that he was in a fit condition. Learned counsel next submits that the delay in instituting the FIR and the fact that it is alleged that police brought him to the hospital but then police also did not record any information about the occurrence by way of sanha also creates doubt with regard to the case of the prosecution that as to whether the occurrence took place in the manner as alleged or the occurrence took place in some other manner and the petitioner came to be implicated. Learned counsel next submits that even presuming what has been alleged is true without admitting that from the tenure of the allegation, it appears that both the informant and the petitioner were known to each other, further, petitioner is a young boy aged about 22 years and is a student and if he is sent to jail, his entire career would be jeopardized and chances are bright that he may come in contact with hardened criminals. It is next submitted that petitioner will not abscond, rather, will cooperate in the investigation and will present himself as and when required by



the Investigating Officer for eliciting the truth.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sultanpur P.S. Case No. 441 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. One of the bailor of the petitioner shall be his mother Indu Devi.

(Satyavrat Verma, J)

HarshPandey/-

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