

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47603 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- CHANDRAMANDI District- Jamui

Sukdeo Pandit S/o Bajnath Pandit Resident of Village - Lohsihana, P.S.-
Chandramandih, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Mahto, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-03-2023 Heard Mr. Prakash Mahto, learned counsel appearing
on behalf of the petitioner and Mr. Abhay Kumar, learned APP
appearing on behalf of State.

2. The petitioner seeks pre-arrest bail in connection
with Chandramandih P.S. Case No. 82 of 2022 registered under
Sections 341, 323, 379, 307 and 504/34 of the Indian Penal
Code.

3. The prosecution story, in brief, is that while the son
of the informant namely, Mithun Pandit was returning back after
attending the marriage ceremony, the accused persons named in
the F.I.R. surrounded him and started abusing and assaulting by
means of fist, leg and iron rod over his stomach, due to which
the intestine of Mithun Pandit became damaged and accused
persons also snatched Rs. 5,000/- and gold chain. The petitioner



is named in the F.I.R.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been implicated in a false case due to party village politics and no such injury was caused to the victim who is son of the informant. He further submitted that the injury report was prepared at a private hospital while the victim was operated for removal of appendix. The petitioner has clean antecedent. The alleged incident took place on 04.05.2022 and the F.I.R. was lodged after much delay on 09.05.2022. He further submitted that distance between the place of occurrence and the police station is just 5 kms. On these grounds, the petitioner seeks to be released on anticipatory bail.

5. Learned APP appearing on behalf of the State has vehemently opposed the grant of anticipatory bail to the petitioner.

6. Considering the rival submissions made by the parties, nature of allegation and materials on record, prima facie it appears that due to personal grudge with the victim the informant has falsely roped the petitioner in the present case. Moreover, the injury report also creates doubt as the same has been prepared at a private hospital.



7. The Court below is directed to verify the genuinity of the injury report by calling the admission register and treatment chart from the concerned hospital where the petitioner has allegedly been hospitalized after being injured. If the court is satisfied that the admission register and the treatment chart maintained by the hospital relating to the petitioner reveals the fact that the petitioner was admitted for treatment of injuries sustained by him as alleged in the F.I.R., the petitioner must be released on anticipatory bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned A.C.J.M.-IV, Jamui in connection with Chandramandih P.S. Case No. 82 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. In case the documents are found to be forged, then in that case, the petitioner should not be granted anticipatory bail.

(Purnendu Singh, J)

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