

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58190 of 2023

Arising Out of PS. Case No.-783 Year-2022 Thana- GARKHA District- Saran

Sukesh Rai @ Sukesh Kumar Suman, aged about 24 years, Gender-Male,
S/O Dahari Rai, R/O Village- Hemathpur (Hematpur), P.S- Garkha, Distt.-
Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashutosh Kumar Singh, Advocate
For the Opposite Party : Mr. Syed Mojibur Rahman, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 20-12-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

3. The petitioner was apprehending and was
granted provisional bail on 11.10.2023 in connection with
Garkha P.S. Case No. 783 of 2022 dated 17.12.2022
registered for the offences punishable under Sections 341,
323, 324, 307, 379 and 504/34 of the I.P.C.

4. As per the prosecution case, the petitioner and



the co-accused Narayan Yadav stopped the informant's motorcycle and Sukesh Rai (petitioner) demanded money from him when he told that he has only 50-60 rupees, they abused and assaulted him. On being protested, the co-accused Arvind Ray and Amir Ray assaulted him with knife and danda. When the informant tried to escape, Sukesh Rai (petitioner) caught him and accused Narayan Yadav took out Rs. 50,000/- from his pocket and threatened him with dire consequences. The co-accused Arvind Rai stabbed the informant with a knife in his stomach, due to which, he sustained injury. On hulla, his brother and villagers came then the accused persons fled away. He was brought to Garkha Hospital for treatment.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case as the informant, who himself made scuffle with the saint of Akrahi Monastery situated in the village on account of a dispute which arose between the informant and the saint of the said Monastery with respect to collection of donation for the Monastery. After investigation, police has found that the petitioner has no



concern with the alleged occurrence rather the scuffle took place between the informant and the saint of the Monastery. It is further submitted that the doctor has not found any injury on the informant's stomach, however, two injuries have been found on the informant's back which are simple in nature. There is general and omnibus allegation against the petitioner. It is further submitted that the alleged occurrence took place on 07.12.2022 and the F.I.R. was lodged on 17.12.2022 i.e., after a lapse of 10 days from the date of alleged occurrence for which no explanation has been given by the prosecution. It is further submitted that after lodging of the F.I.R. on 17.12.2022 the same was sent to the court on 23.12.2022 i.e., after a lapse of 6 days from the date of registration of the F.I.R. for which also no explanation has been made in the F.I.R. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and the informant have opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and



circumstances of the case, the provisional bail granted to the petitioner, vide order dated 11.10.2023, is hereby confirmed.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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