

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65168 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- SONBERSA District- Saharsa

NITISH KUMAR Son of Birendra Kumar Yadav R/V- Bourba, Ward No. 1,
P.S- Salkhua (OP Banma Itahari) and Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 23-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with S. T No.
207 of 2022 arising out of Sonbarsa Raj P.S. Case No. 175 of
2021, registered for the offences punishable under Sections 341,
323, 326, 307, 354(B), 506 and 34 of the Indian Penal Code.

As per the prosecution, the informant's daughter went
missing on the alleged date and time, thereafter she was found
by her mobile phone's location and was found lying in a paddy
field with a slit throat and blood oozing out and the informant
expressed his apprehension that unknown criminal had done the
alleged act.

The main submissions advanced by petitioner's counsel
are that the petitioner is uncle of the victim, petitioner's name



surfaced twenty days after the commission of the alleged occurrence and in the said period petitioner's role in the alleged crime could easily be revealed by the victim through any mode but she remained silent which casts a serious doubt in the allegation levelled against the petitioner, in fact there is a land dispute in between the petitioner and victim's family and the prosecution party wants to get the property of the brother of the petitioner who has become *Saint* and in the injury report of the victim there is no dimension of the injury which has been found at her person. Further submission is that the trial of the petitioner has started and the charges have been framed against him and he has fair and clean antecedent.

Learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and case diary of this Case. As per FIR a serious allegation appears against the petitioner. The victim who happens to be daughter of the informant was found with her throat slit and thereafter she was taken to hospital and till that time the petitioner's name did not come into light but later on the statement of the victim was recorded in which she made serious allegation against him and other co-accused persons and according to her it was the



petitioner who slit her throat and other co-accused persons helped the petitioner, though in the injury report there is no dimension of the injury which has been found at the neck of the victim but it has been opined by the doctor concerned that the injury found at her neck is grievous in nature and the same has been caused by a sharp cutting object. Considering the seriousness of the allegation appearing against the petitioner, in my opinion it is not a fit case for bail to the petitioner. Accordingly, petitioner's prayer for bail stands rejected.

The petitioner may renew his prayer for bail after the examination of the victim in his trial, if the victim is not produced and examined in the next six months then the petitioner will also have a liberty to renew his prayer for bail.

(Shailendra Singh, J.)

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