

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57688 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- DHARHARA District- Munger

Sajan Kumar Son Of Shri Gorelal Tanti @ Gorelal Tanti R/O Village-
Faridpur, (FARIDPUR Kari), P.S.- Jamalpur, Distt.- Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 10-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Sessions Trial No. 263/2022 arising out of Dharhara P.S. Case
No. 30 of 2022 dated 24.02.2022 registered for the offences
punishable under Sections 326 and 307/34 of the Indian Penal
Code.

As per the prosecution, the informant alleged that this
petitioner along with other co-accused person tried to kill his
nephew namely Rupesh Kumar by means of knife, owing to
which his nephew sustained injuries.

The main submissions advanced by petitioner's
counsel are that there is a serious contradiction in between the
statements of the victim and his parents and the petitioner has



been languishing in jail since 25.02.2022 and as per the report of the trial Court, only one prosecution witness has been examined so far, which shows the prosecution's lingering attitude in concluding the petitioner's trial and the injury report of the injured person shows that the injury found upon his person was grievous in nature but on the person of the victim only one injury was found and during the investigation the so-called victim stated different story before the Investigating Officer and the same is contradictory to the statement made by his father and the petitioner has fair and clean antecedent.

Learned APP appearing for the State has opposed the bail prayer and submitted that against the petitioner there is serious allegation and in following with the disclosure made by this petitioner, the knife which was used in slitting the neck of the victim was recovered during investigation.

Heard both the sides and perused the FIR, order impugned and the case diary of this case. The petitioner is named in the FIR and the informant's nephew namely Rupesh Kumar is stated to be the sole injured of the present matter, who was allegedly caused knife injury on his neck and as per the statement of the said victim, the petitioner was mainly involved in the alleged occurrence and the allegation concerned to him



gets corroboration from the victim's medical report, which shows one incised wound of size 10cm x 1.5cm x 1.5cm in measurement extending from left midline at the level of *cricord cartilage* over the neck, in my opinion it is not a fit case for bail to the petitioner at this stage. Accordingly, his bail prayer stands rejected.

As according to the report of the trial Court, the petitioner's trial is running at initial stage and out of the total six prosecution witnesses, only one witness has been examined so far. So, considering this aspect the petitioner is given a liberty to renew his bail prayer after six months if within the said period, no any significant progress is made in his trial and further he has also liberty to renew the said prayer after the examination of the victim in his trial.

(Shailendra Singh, J)

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