

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76344 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- BAJPATTI District- Sitamarhi

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SANDEEP KUMAR @ SANDIP KUMAR S/O RAJ NANDAN RAI
VILLAGE- BISHUNPUR, PS. BAJPATTI, DIST. SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Surendra Kumar Singh, Adv.
For the Opposite Party/s :	Ms.Anita Kumari, APP.
	Mr. Mrityunjay Kumar, Adv.
	Mr. Rabindra Kumar Tiwari, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2023 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 341, 323, 325, 307, 379, 504, 34 of the Indian Penal Code.

3. Allegedly, all the accused persons are said to have surrounded the informant and started tie his hands and legs with rope. They pushed him and co-accused Dhanjit Rai sat on his chest. Co-accused Dipak Kumar administered him wine forcibly and on protest, accused Raj Nandan Rai and Kaushal Rai ordered to assault him. Thereafter, he was assaulted. Co-accused Kaushal Rai snatched golden chain, mobile and Rs. 2000/- from his possession.



4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. Petitioner is a student of MCA. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the informant was apprehended on 15.08.2023 from the Community Health Centre, Bajpatti on the allegation given by the petitioner and was produced before the Court of Executive Magistrate, but even there also he did not said a single word against the petitioner. On 16.08.2023, when the informant was produced before learned Special Judge, Sitamarhi, he has confessed his guilt, but not stated anything about the incident which has been narrated by him in his FIR. There is inordinate and abnormal delay of more than 25 days in lodging the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that there is serious allegation against the petitioner that he along



with other accused persons assaulted the informant causing injury to him and administered him wine forcefully due to which his right leg was amputated as a result of which the injured got permanent disabled and in support of the above mentioned facts, he also produced a photograph of the injured.

6. Having regard to the facts and circumstances of the case, as there is delay in lodging the FIR, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bajpatti P.S. Case No. 275 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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