

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53438 of 2024

Arising Out of PS. Case No.-642 Year-2020 Thana- CHANPATIA District- West Champaran

Manish Sah @ Manish Kumar Son of Saroj Sah R/O Chanpatiya, P.s.-
Chanpatiya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-09-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 34 of the IPC in connection with Chanpatiya P.S. Case No.642 of 2020.

3. The learned counsel for the petitioner submits that petitioner has antecedent of one case and has been falsely implicated in the instant case by the informant.

4. It is next submitted that date of occurrence is 08.09.2020 and the FIR came to be instituted on 17.12.2020 i.e. after a delay of three months and ten days without any plausible information, which casts an aspersion on the case of the prosecution. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the



informant alleges that on 08.09.2020 at 06:30 hours when he was returning home, when he was intercepted by the accused persons including the petitioner and was assaulted causing fracture of both the legs, further he was taken to Chanpatiya Hospital from where he was referred to Patna for better treatment but he went to the clinic of Dr. Javed at Mauapul, it is also alleged that he had sent a representation to Hon'ble the Chief Minister about the occurrence in which by mistake he had typed some names wrongly.

5. The learned counsel submits that petitioner has been falsely implicated in the instant case. It is also submitted that it absolutely does not stand to reason that why the FIR came to be instituted after a delay of more than three months, it is further submitted that had the informant been assaulted in the manner as alleged then the doctor at Chanpatiya Hospital would have informed the police when he had gone for treatment, but then it is submitted that the FIR came to be instituted based on a written application of the informant. It is also submitted that though it is alleged that he was referred to PMCH, but then the informant instead of going to Patna went to a local clinic which also casts an aspersion on the case of the prosecution that as to whether any such occurrence in the nature as alleged ever took



place.

6. The learned APP opposes the anticipatory bail application.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Ist, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No.642 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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