

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69971 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- BATH District- Bhagalpur

Sagar Kumar @ Sujay Kumar Son of Nand Kumar @ Nand Kumar Sah
Resident of Vill- Unchagawan, PS- Bath, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Prasad Roy, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-10-2024 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 Section 306 of the Indian Penal Code.

3. As per FIR, the daughter of the informant has consumed poison due to denial of marriage by the petitioner.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He has no role in the alleged occurrence. There is no ingredient of abatement



attracting penal action under Section 306 of Indian Penal Code. It was informant and his family, who tortured the victim to the extent that she had to take such a drastic step. The involvement of the informant is also apparent from the prosecution version as from bare perusal of the same, it appears that the deceased informed the informant regarding consuming of poison at 2 AM, but the informant waited till morning and took her to hospital on next day. Learned counsel further submits that there is inordinate and abnormal delay of about 8 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 opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, since there is an inordinate 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 Bath P.S. Case No. 71 of 2024, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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