

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75756 of 2024

Arising Out of PS. Case No.-155 Year-2020 Thana- MAHINDWARA District- Sitamarhi

Rajesh Kumar @ Rajesh Bhagat Son of Lalbabu Bhagat Resident of Village-
Olipur, P.S.- Mahindwara, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Section 341, 323, 324, 307, 504, 379, 34 of the Indian Penal Code. Later on 302 of the Indian Penal Code was added.

3. As per prosecution case, it is alleged by the informant, namely, Ranjeet Kumar that on 13.12.2020 at around 12:30 PM, when the informant was coming from a Tempo and reached Olipur Chowk, P.S. Mahindwara, Dist-Sitamarhi, five persons including the petitioner along with others surrounded the auto rickshaw and pulled him out. It is further alleged that the accused persons took out Rs. 3,000/- from the pocket and assaulted him with iron rod and other weapons with an intention



to kill him.

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 has ever taken place. He has falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. The real fact of the matter is that the deceased used to drive tempo bearing registration no. BRO6PE 6676 and on the alleged date of occurrence, he was driving tempo rashly and negligently, as a result, the deceased met an accident and sustained injury. He further submits that it appears from the FIR that there is no specific overt act against the petitioner. He has no role in the alleged occurrence. He was not present at the place of occurrence on the alleged date and time. It is further submitted that during investigation nothing has come against the petitioner. There is an inordinate and abnormal delay of six days in lodging the FIR, which creates serious doubt about the prosecution case. One of the co-accused, namely, Jaykishor Sah has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 05.05.2022 passed in Cr. Misc. No. 57927 of 2021. Learned counsel further submits that petitioner has no criminal antecedent as mentioned



in para 3 of the bail application and he has been languishing in judicial custody since 16.08.2024.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case as well as the nature of the offence, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for bail is rejected in connection with Mahindwara P.S. Case No. 155 of 2020.

7. However, the petitioner would be at liberty to renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

