

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7905 of 2025

Arising Out of PS. Case No.-117 Year-2024 Thana- Bypass District- Bhagalpur

Sanjay Kumar Mishra @ Mishra Sanjay Kumar Son of Ravindranath Mishra
Reident of Village- Shivshakti Nagar Society, Near Adarsh Nagar Kanakpur,
P.S.- Sachin, District- Surat (Gujarat).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms.Vaishnavi Singh, Advocate
Mr. Ritwik Thakur, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Bypass P.S. Case No. 117 of 2024, registered on 14.10.2024, for the alleged offences under Sections 191(2), 191(3), 190, 109, 127(1), 115(2) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the informant received information that her husband who had gone to do work of labourer, was found stealing from the *Namami Gange Project* site and he was assaulted by 20-25 persons and was taken to hospital. When the informant reached the hospital, she found her



husband unconscious and admitted in I.C.U.. The husband of the informant subsequently succumbed to his injuries. The name of the petitioner transpired during investigation for being involved in the occurrence.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner is a petty contractor and runs Rama Enterprises and some work was allotted to him by main contractor of *Namami Gange Project*. From the site of the petitioner, some miscreants started stealing goods and the petitioner suffered lost of Rs. 6 to 7 lacs. In between, four persons were apprehended stealing articles from the sites and in two separate incidents and those persons were handed over to the police and petitioner lodged Bypass P.S. Case No. 109 of 2024 for the said occurrence. Similarly, on 14.10.2024, again a person was apprehended while stealing the articles from the site of *Namami Gange Project* and when the said person was apprehended, people started assaulting him. Police came and the thief was handed over to the police and Bypass P.S. Case No. 116 of 2024 was lodged on 14.10.2024. It seems the informant has lodged this case against the petitioner since petitioner has earlier lodged the cases



against the persons who were committing theft at the site. It is also evident from the contents of the present FIR that the informant received information about her husband being apprehended while committing theft and being assaulted and the police taking him to hospital. Learned counsel further submits that the petitioner has no role in assaulting the husband of the informant as he was handed over to the police who assaulted him and when his condition became serious, they admitted him in hospital and in order to save their skin, they implicated the petitioner and others. The alleged confessional statement of the petitioner is not believable and it has got no legal sanctity and further the postmortem report also falsifies the allegation that 20-25 persons assaulted the husband of the informant. The petitioner is in custody since 16.10.2024 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail. Learned APP further submits that there is allegation against 20-25 persons for assaulting the husband of the informant and the petitioner was found to be involved in the said assault.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation and further considering the period of



custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur/court concerned in connection with Bypass P.S. Case No. 117 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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