

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81436 of 2024

Arising Out of PS. Case No.-598 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Sujit Kumar Singh @ Sujit Singh S/o- Late Prabhu Dayal Singh Village-
Adauri Ps- Purnahiya, Dist- Sheohar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Adv. Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s :	Mrs. Pushpa Sinha, APP
For the Informant :	Mrs. Malika Mazumdar, Adv.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 11-04-2025 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned APP for the State.

2. The petitioner seeks bail in connection with Runnisaidpur P.S. Case No. 598 of 2023 dated 05.12.2023 for the alleged offence under sections 341, 323, 447, 302, 504 and 506/34 of the Indian Penal Code.

3. The petitioner seeks bail in a case which was initiated on the basis of a fardbayan of one Khusbhu Devi wherein she alleged that on 02.12.2023 at around 06:00 P.M. her agnates namely Ravi Chaudhary entered her house and started assaulting her and her son Himanshu Chaudhary. It was further alleged in the fardbayan that the informant and her son anyhow managed to hide and save themselves. Subsequently, the informant states that she had informed about the incident to her



husband who was working at Muzaffarpur and, while he was on his way to his village, she received a called from her husband who had called on her mobile phone and informed that he is in a half dead state and Ravi Choudhary along with the petitioner and one another namely Raju Singh have left him injured and he is lying there on NH 77. In the fardbayan, it was further submitted that she went to the place of occurrence, however, she was informed that the police has taken her husband to Nandi Pat Memorial Hospital for treatment, however, before he could reach he could reach the hospital he was dead.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case because of an old dispute between the family of the informant and Ravi Chaudhary. The petitioner is brother-in-law of the said Ravi Chaudhary and is resident of Sheohar district. The informant is not an eye-witness to the incident and even taking into consideration the statement made that the deceased was on his way to his village and was brutally assaulted mid-way, it was doubtful as to how, he had called the informant and has informed about the names of the persons who had assaulted him. The learned counsel has further drawn the attention of this Court to the subsequent statements made by the informant



during the course of investigation where she has now stated that a total number of nine persons had assaulted her husband as informed by her husband on telephone. The learned counsel has also pointed out that the inquest report does not contain the fact that any phone was recovered or was found with the deceased. During investigation there is nothing on record to suggest the presence of the petitioner at the place of occurrence.

5. The learned counsel has further submitted that the police personnel, who had taken the husband of the informant from the place of occurrence to the hospital or any local villager has not been examined during the course of investigation to support the contention of the informant. The learned counsel for the petitioner lastly submits that the injury received does not confirm that the same had been inflicted by accused persons as there is no ocular evidence to support such fact and the petitioner is in custody since 20.08.2024.

6. The learned counsel for the informant has opposed the prayer for bail contending mainly on the fact that the petitioners and the informants are the agnates and one of the agnate Ravi Chaudhary had entered her house and had assaulted her and her son and had threatened him and has also tried to press her neck. The learned counsel had further stated that the



deceased was done to death by the petitioner and others in a very pre planned manner and they had planned an ambush for him and he was done to death by inflicting the injuries which was found in the ante mortem injury report contained in the post mortem report.

7. The learned APP for the State has supported the arguments advanced by the learned counsel for the informant and has added that the petitioner and others being the agnates and the petitioner, being named in the FIR by the informant and subsequently, in her re-statement also, does not deserve the liberty of bail.

8. Considering the fact that there is no eye-witness to such incident and taking into account the fact that the husband of the informant was done to death while he was on way to his village home and taking into account the inquest report which *prima facie* does not confirm the statement made by the informant that she had received a call from her husband while he was on his way after he was assaulted by the accused persons, the said mobile phone was never recovered by the police. The Court also takes into account the CDR report which says that there were three calls made from the phone of the husband of the informant on her phone and all those phones



were made at around 10 P.M. and two calls subsequently, which does not corroborate the allegations made in the fardbayan. In view of the aforesaid facts let the petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Runnisaidpur P.S. Case No. 598 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to 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, if so required by the learned Trial Court.

(iii) In case of absence on two 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.

(Sourendra Pandey, J)

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