

In The Court of 11th Addl. Sessions Judge, East Champaran, Motihari.

Bail Petition No. -2485/2022
(Arises out of Sangrampur P.S. Case No. 280/2022)

Sachin Kumar, aged about 35 years, S/o- Shashi Ranjan Singh, resident of village-
Mathiya, P.S.- Sangrampur, District- East Champaran.

.....**Petitioner.**

Versus

The State of Bihar.

.....**Opposite Party.**

For the Petitioner :-

1.Sri Subodh Kumar, Advocate,

For the O.P./State :-

2.Sri Digvijay Narayan Sinha, P.P. I/C.

O R D E R

03.11.2022 1. The bail petition has been filed on behalf of the petitioner, namely, Sachin Kumar who is in custody since 26.09.2022 in connection with Sangrampur P.S. Case No. 280/2022, registered U/ss 341,342, 323, 324, 307, 379, 504/34 of the IPC.

Heard learned Counsels for the petitioner and learned Public Prosecutor I/C on behalf of the state and perused the case diary.

2. Learned Counsel for the petitioner submitted that no other regular or anticipatory bail petition has ever been filed before the Id. Sessions Judge or before the Hon'ble High Court, Patna. It is further submitted that petitioner is quite innocent and has committed no offence as alleged and rather has wrongly and falsely been implicated into this false and fabricated case due to malice intention, grudge and enmity. It is also submitted that the allegations whatsoever levelled against the petitioner in this case is obviously out and out false and manipulated. It is further submitted that no such type of occurrence took place and informant lodged this false and fabricated case against innocent persons. Allegations levelled in F.I.R. is that petitioner inflicted sword blow on the informant but injury do not suggest allegation as per F.I.R., neither corroborated, doctor has opined injury as simple in nature. It is further submitted that brother of petitioner namely Aman Kumar lodged a counter case vide Sangrampur P.S. Case No. 283/2022 against the informant and his family members. Petitioner has clean antecedent and is in custody since 26.09.2022. Accordingly, learned counsel for the petitioner prayed to release

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03.11.2022 the petitioner on bail.

3. The learned Public Prosecutor I/C opposed the prayer for bail.
4. The prosecution case in brief as stated in the written application of one Abhijeet Kumar Singh (herein after called the informant) addressed to the SHO, Sangrampur, Police Station, East Champaran is that on 18.08.2022 at about 07:00 P.M. when informant was going to Kotwa Market, all the accused persons namely Birendra Singh, Sachin Kumar Singh, Shashi Ranjan Singh, Raju Singh, Manish Singh, Gulshan Singh, Barun Singh, Raju Singh and Mirtunjay Singh stopped the informant at Bhatwaliya Chowk and started abusing. When the informant opposes them all the accused persons assaulted him. It is further alleged that accused petitioner, Sachin Kumar inflicted a sword blow on the head of informant which causes head injury and blood started oozing out and accused petitioner again inflicted a sword blow which was stopped by informant by hand. It is further alleged that accused Manish Kumar snatched the gold chain from the informant's neck of Rs. 45,000/- and accused Varun Singh took away Rs. 85,00/- from the pocket of the informant which was kept for purchasing of Kirana goods. It is further alleged that all accused persons gave threat that if case is filed against them they would be murdered and implicate the informant in false case. And after seeing the gathering of nearby people all F.I.R. named accused persons fled away.
5. Heard and consider the submissions of the parties. On perusal of the case diary, I find that the allegation against the petitioner Sachin Kumar is to inflict a sword blow on the head of informant, due to which he received grievous injury on the head, which is vital parts of life. From the injury report, it appears that there were 3 injured persons. The offences are u/ss 341, 342, 323, 307, 379 and 504/34 of the IPC.

For the reasons stated above, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner, namely, **Sachin Kumar** is hereby **rejected**.

(Dictated)

Sd/-

11th Addl. Sessions Judge.

Dated:-03.11.2022