IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2413 of 2023

Arising Out of PS. Case No.-480 Year-2021 Thana- SUGAULI District- East Champaran

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SHYAM MISHRA @ SHYAM KUMAR S/o Rajendra Mishra R/v- Ward No. 04, Bahurupiya, P.O and P.S.- Sugauli, District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Adv.
For the Opposite Party/s : Mr.Harendra Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 384, 379, 504 and 506 of the Indian Penal Code.

Allegedly, petitioner is said to have stabbed knife in the chest, thigh and hand of the informant's son. They also snatched a golden chain and took away Rs. 50,000/- from his son's pocket.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that petitioner has

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been suffering from neuro-psychiatric problems since last a few months. He further submits that petitioner has also sustained injury in head and eye and he was consulted at Sadar Hospital, Motihari. Both sides have filed cases against each other. The injury sustained eight injuries. Opinion of the doctor regarding the injuries is reserved. The occurrence took place on 15.11.2021 but the FIR was lodged on 18.11.2021. There is inordinate and abnormal delay 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 one criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is specific allegation of stabbing the knife due to which the victim sustained injuries which are grievous in nature, I am not inclined to enlarge him on anticipatory bail.

The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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