

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15842 of 2015

Arising Out of PS.Case No. -329 Year- 2014 Thana -DUMRAUN District- BUXAR

1. Shailendra Rajak Son of Suraj Rajak Resident of Village Uttampur, P.S. - Rajpur, District - Buxar.

..... Petitioner/s
Versus

1. The State of Bihar.

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudha Chandra
For the Opposite Party/s : Mr. M.Dayal(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-08-2015 Heard learned counsel for the petitioner and learned A.P.P.

The petitioner is languishing in jail custody since 30.09.2014 in a case registered for the offences punishable under Sections 302, 326 and 201 of the Indian Penal Code read with Section 27 of the Arms Act.

The prosecution case is that on 12.09.2014 one Raushan Kumar Srivastava, Choukidar of Ataon, lodged written report with Dumraon Police Station stating that at 5.45 morning, he got information that on the main road of Ekuni- Ataon, near Siphon and Village- Khairhi towards west side of road, one dead body of young female was lying. On this information, he went and found

that towards west side of the road, a dead body of married women aged about 22 years was lying and there was sign of firing on her chest. It is further stated that the lady was wearing clothes and ornaments but no body could identify the dead body. He has further stated that in the night, some unknown person has killed this unknown lady and in order to conceal the evidence thrown the dead body.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence and even in the seizure report, as contained in Annexure-2, a country made pistol has been recovered but does not bear the signature of the petitioner. However, as per the case diary in para - 64 based on self confessional statement of the petitioner, who was instrumental in the death of his second wife, Kanchan Devi, has himself admitted the said offence.

Under such circumstances, I am not inclined to grant the privilege of bail to the petitioner. However, the petitioner may renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

Sudha/-

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