

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47940 of 2014

Arising Out of PS.Case No. -139 Year- 2012 Thana -RIGA District- SITAMARHI

Bilash Sahni

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Bindeshwar Sah

For the Opposite Party/s : Mr. Madan Kr., Addl. P.P. Incharge

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 02-04-2015

After some argument, learned counsel for the petitioner submits that the point so involved in this case as well as the relief so claimed for is not found confined only with regard to grant of bail to the petitioner rather, it relates with malafide prosecution in the background of political rivalry which, during course of investigation has been exposed by the witnesses.

It has also been submitted that most peculiar circumstance visualizing in this case happens to be with regard to disappearance of victim Renu Devi and her son Krishna Kumar aged about 5 years, two cases have been registered, the present one Riga P.S. Case No.139 of 2012 at the behest of husband of Renu Devi for her disappearance by the petitioner including others wherein, after conclusion of the investigation charge sheet had already been submitted.

Father of the aforesaid Renu Devi had filed Riga

P.S. Case No.149 of 2012 for causing dowry death as well as also for causing death of Krishna wherein also, after conclusion of the investigation, charge sheet had already been submitted. Furthermore, it has been submitted that both the above referred cases were investigated by the same Investigating Officer and that suggest the investigation being carried in casual knavish manner at the behest of the Investigating Officer.

It has also been submitted that in the background of aforesaid event either of two cases is found to be true or both the cases would be found untrue and on that very score, instead of sailing with the instant petition for bail, the learned counsel for the petitioner submits that for proper redressal of the grievances of the petitioner, let this petition be converted under Article 226, 227 of the Constitution of India under the banner of Cr.W.J.C.

Prayer is allowed.

Accordingly, necessary amendments be made as pointed by the office on due inspection coupled with filing of the proper court fee. Office to pursue the matter accordingly.

(Aditya Kumar Trivedi, J.)

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