

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39467 of 2015

Arising out of PS.Case No. -311 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

Awadhesh Sah, Son of Late Bharat Sah, resident of Village - Sahbajpur,
Police Station - Hathauri, District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mani Bhushan Kumar, Advocate.

For the Opposite Party : Mr. Gajendra Pd. Yadav(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 01.05.2015
in connection with Ahiyapur P.S. Case No. 311 of 2015 for the
offences instituted under Sections 394, 302, 120(B) of the IPC and
27 of the Arms Act.

The prosecution story, in brief, is that on 10.04.2015, the
informant has given gold ornaments of Rs. 4,50,000/-, to accused
Javed Anwar and who assured him to pay on 12.04.2015, but, he
did not return and for paying on 12.04.2015, then, the informant
met with Javed Anwar, he stated to pay said rupees on 13.04.2015,
at about 8.00 P.M. at night at his residence, and on 13.04.2015, he
went to his house at about 8.00 P.M. alongwith his wife Ragini



Devi, boarding upon a Motorcycle and paid him Rs. 4,50,000/- containing in a bag and he gave said bag, to his wife Ragini Devi and Javed Anwar, accused, has stated to go to N.H. 57, four lane through Sangam Bridge, S.K.M.C.H., at the town, due to traffic problem and the informant proceeded to his house, alongwith his wife and all of a sudden, two miscreants overtook, his motorcycle and thereafter, when he objected, they stated about their identification and his wife identified them and they fired upon his wife, two times and snatched bag of rupees, from her hand and he had hidden, himself, at bushes and stated that Javed Anwar, has committed murder of his wife, Ragini Devi, in conspiracy with other miscreants to grab his money.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 01.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner happens to be the informant of the present case but subsequently he has been made accused for committing the murder of his wife. There is no substantive piece of evidence in respect to the said allegation.

On behalf of the State it has been submitted that the daughter of the petitioner in paragraph no. 43 of the case diary has

stated that her mother has been done to death by this very petitioner who happens to be her father and the husband of her mother as the petitioner was involved with some other lady and he wanted to marry the said lady.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Ahiyapur P.S. Case No. 311/2015, pending in the court of the learned C.J.M., Muzaffarpur.

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(Sudhir Singh, J)