

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36533 of 2013

Arising Out of PS.Case No. -66 Year- 2003 Thana -BACHWARA District- BEGUSARAI

Raj Kumar Ishwar, S/O Sri Jai Kishore Ishwar, Resident Of Village-
Bharaul, P.S- Bachhwara, District- Begusarai.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. M.Dayal(APP)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

7 09-04-2015 This application is filed under Section 439 Cr.P.C.

for grant of regular bail. The petitioner was arrested on
8.1.2013 in connection with Bachhwara P.S. Case No.66/03,
wherein offence under Section 302 and 307/34 of the Indian
Penal Code was alleged against him and his son. He filed B.A.
No.441 of 2013 in the court of the Additional Sessions Judge-
II, Begusarai and the same was dismissed on 5.6.2013. Hence,
this application.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

The allegations against the petitioner and his son
Sanjay Ishwar is that in the midnight of 18.8.2003 they
assaulted the informant, by name Sadhna Kumari, and her aunt

Kumkum Devi with *Gandasa* and on account of serious injuries, Kumkum Devi died while undergoing treatment. It is alleged that the informant was kidnapped earlier by the son of the petitioner and the present assault was on account of the fact that the kidnapping case was not withdrawn by the informant.

The truth or otherwise of the allegations made in the F.I.R. needs to be determined at the trial. Further progress in the case was hampered on account of non-arrest of the petitioner for ten years.

In view of the serious nature of allegations, this Court is not inclined to release the petitioner on bail at this stage. The application is, thus, dismissed.

However, since the trial of the case has started, it shall be open to the petitioner to move an application for bail before the trial court.

(L. Narasimha Reddy,CJ)

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