

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37457 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -BHAGWANPUR District- BEGUSARAI

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1. Sanjit Sharma S/o Ram Vilas Sharma Resident of Village - Lakhanpur,
P.S. - Bhagwanpur (Teyari O.P.), District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Sharda Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 30-11-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner is husband of the deceased. The dead body
of the deceased having sustained several injuries were found in the
house of the petitioner and at Paras- 22 and 23 of the case diary
two witnesses, who happen to be full brother of the petitioner
specifically stated that at the time of alleged occurrence, petitioner
along with deceased and his daughter namely, Nandni Kumari
were in the room in which the deceased was killed.

The I.O has not recorded the statement of daughter of
deceased but there is circumstantial evidence to show the
involvement of the petitioner in the alleged crime.

Learned counsel for the petitioner submits that as a

matter of fact, petitioner was not mentally fit at the time of alleged occurrence and the aforesaid fact is evident from perusal of Para-4 of the case diary in which I.O has corroborated that when he reached on the place of occurrence, he found the petitioner sleeping by the side of dead body of his wife.

Regard being had to the facts and circumstances of the case as well as submissions of the parties, I am not inclined to release the petitioner on bail, hence, his prayer in connection with Bhagwanpur (Teyai O.P) P.S.Case No. 11 of 2015, pending in the court of Chief Judicial Magistrate, Begusarai stands rejected.

However, if it is so advised, petitioner may raise his plea of unsound mind before the court below and if the aforesaid plea is raised on behalf of the petitioner, the concerned court shall pass appropriate order in accordance with law without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

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