

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.375 of 2015

Arising Out of PS.Case No. -283 Year- 2014 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

Saket Kumar @ Pintu

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Sinha

For the Opposite Party/s : Mr. Prem Kr. Jha-(A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 09-04-2015

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor assisted by learned counsel for the informant.

Petitioner is the sole assailant of deceased Abhishek Kumar after having house trespassed along with Lali and Adil. The motive has been assigned as protest by deceased over illicit relationship in between petitioner along with wife of deceased namely Nirupama Kumari.

Learned counsel for the petitioner submits that the fact happens to be otherwise. Informant herself happens to be a lady of bad repute which was disliked by the deceased and lastly, cost his life, which was brought to the notice of police officials. However, reason best known to the police officials, they have not investigated the case on that very aspect. Furthermore, it has been



submitted that the occurrence is said to be on 07.04.2014 at 3.30p.m., that means to say, at broad daylight, but none of the witnesses of the locality has come forward to say that they have seen presence of petitioner along with others near about the place of occurrence. Furthermore, it has been submitted that occurrence is of 3.30 p.m., P.O. lies at a distance of two kilometer, but the written report has been submitted at 8.00 p.m. without any explanation with regard to delay that has purposely been in the background of the fact that informant being herself responsible was engaged in dissemble the crucial evidence to screen herself as well as her paramour. Therefore, petitioner is entitled for bail.

On the other hand, learned Additional Public Prosecutor assisted by learned counsel for the informant opposed the prayer and submitted that apart from informant, her husband Navin Kumar Sharma examined under Para-9 is also an eye witness to an occurrence. Furthermore, petitioner happens to be a neighbour and on account thereof, who could be witness on that very score. It has also been submitted that petitioner gave single shot which the deceased had sustained as found during course of post mortem. Furthermore, with regard to Annexure-2, it has been submitted, that aforesaid document is sufficient to show the intimate relationship of petitioner with Nirupama, who has been

treated as scapegoat. Moreover, she also happens to be an accused. The document has been filed long after the occurrence. Had there been truthfulness in the assertion, said Nirupama surely could have taken a proper legal recourse to preserve her legal right instead at sitting idle.

Taking into account the status of petitioner to be sole assailant, I do not see it a fit case for grant of bail. Accordingly, prayer of petitioner for bail is rejected.

Vikash/-

(Aditya Kumar Trivedi, J)

U		T	
---	--	---	--