

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30025 of 2016

Arising Out of PS.Case No. -395 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Bhunesh Sah S/o Bindeshwari Sah, R/o Village Ghoghia, P.S.- Jitna
(Ghorasahan), District- East Champaran, Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Yogendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-09-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Ghorasahan (Jitna) P.S.
case No.395 of 2015 (G.R. case No.1501 of 2015) instituted for
the offence under Sections 302 and 201/34 of the Indian Penal
Code, pending in the court of S.D.J.M., Sakrahna, East
Champaran, Motihari.

The prosecution case, in brief, is that the informant's
sister was married with the petitioner 9 years ago. On 20.11.2015
at 8 A.M., the informant received information that in-laws of his
sister have committed her murder and burnt her dead body. On
this information the informant had gone there. From the villager
the informant came to know that in the previous night his
brother-in-law Bhuneshwar Sah had come at home in drunken
state and started abusing to his sister and when she protested then

the accused persons including the petitioner caused hurt to her and Bhuvneshwar Sah had pierced throat of the informant's sister by knife, as a result of which she died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.12.2015 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest his implication in the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. The onus is upon him to explain the cause of death of the deceased. Paragraph 31 of the case diary also supports the prosecution case.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

Narendra/-

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