

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15896 of 2016

Arising Out of PS.Case No. -84 Year- 2015 Thana -JADIA District- SUPAUL

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Bijendra Sardar, Son of Baleshwar Sardar, Resident of Village-Manganj,
Police Station-Jadia, District-Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Pranav Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner husband is languishing in jail since

22.02.2016 in connection with Jadia P.S. Case No. 84/15 for

offences alleged under Section 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant,

is that the petitioner assaulted his wife with Dabia and on the

alarm informant went there and found her injured. During

treatment at Sadar Hospital, Madhepura she died.

It has been submitted by the learned counsel for

the petitioner that he is the husband of the deceased and First

Information Report has been lodged by the father-in-law of the

deceased although he has filed affidavit thereafter that the First

Information Report was lodged by the police on taking his signature on a plain paper. He submits that the place of occurrence does not indicate even a single drop of blood although the allegation is of killing the deceased by Dabia.

However, learned APP for the State submits that the son of the deceased has supported the prosecution case and the post mortem report specifies that the injury was the cause of death. The inquest report also specifies the same injury and opines that it may be caused by Dabia.

Under such circumstances, since there is direct allegation upon the petitioner, I am not inclined to grant the petitioner privilege of bail at this stage in connection with Jadia P.S. Case No. 84/15, pending in the court of Sri Kumar Krishndeo, Judicial Magistrate, 1st Class, Supaul.

Prayer for bail on behalf of the petitioner is, accordingly, rejected.

(Nilu Agrawal, J.)

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