

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3683 of 2017

Arising Out of PS.Case No. -53 Year- 2016 Thana -PARSAUNI District- SITAMARHI

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Vivek Sahni @ Vivek Kumar, Son of Rambali Sahni, Resident of Village-
Teliya Charkauriya, O.P. Turki, P.S. Kudhni, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-03-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the State.

The petitioner seeks bail in Parsauni P.S. Case No. 53
of 2016 instituted for the offence under Section 302 of the Indian
Penal Code.

It is alleged in the *fard-beyan* that on the date of
occurrence one boy of *Mallah* caste came in the house of the
informant who was acquainted with the daughter of the informant
namely, Jahana Khatoon (since deceased) and after some
conversation with her daughter, the said boy of Mallah caste slept
in her house. At 4:00 a.m. when the daughter of the informant
cried saying 'Maa', the informant and her grand-daughter got
awake and saw that neck of the daughter of the informant was half



chopped up and blood was oozing. She fell down and, thereafter, the boy of Mallah caste fled away. During course of fleeing away, his mobile phone fell down from his hand.

Case diary has been received.

The learned A.P.P. has submitted that the granddaughter of the informant in paragraph-19 of the case diary has taken the name of the petitioner. She has stated in her statement before the police that she heard talking both of them taking the names of Jahana and Vivek. The learned A.P.P. has further submitted that in paragraph-58 of the case diary, the mother of the petitioner has stated that the mobile phone which fell down on the place of occurrence, belongs to the petitioner. It has further been submitted that from paragraphs 38, 39, 42, 43, and 45 of the case diary it is apparent that there was talk by the petitioner over the mobile phone of Jahana Khatoon. The mother of the petitioner has stated in paragraph-58 of the case diary that her son used to talk with the deceased.

In the post mortem report, the doctor has found the cause of death by a sharp cutting weapon. In this manner there is strong evidence against the petitioner in the case diary.

Considering the aforesaid facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.



The prayer for bail of the petitioner stands rejected.

The petitioner may renew his prayer for bail after nine months if no substantive progress is made in the trial.

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(Sanjay Priya, J)

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