

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22001 of 2017**

Arising Out of PS.Case No. -120 Year- 2016 Thana -AMDABAD District- KATIHAR

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1. Somai Hembram Son of Late Lakhan Hembram, R/o Radhe Madhe,  
P.S.- Amdabad , District- Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

5      22-06-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
09.09.2016 in connection with Amdabad P.S. Case No. 120/2016  
for offences alleged under Sections 302, 201, 120(B)/34 of the  
Indian Penal Code.

The prosecution case, as alleged by the younger brother  
of the deceased Mery Marandi, is that the deceased sister of  
informant married with petitioner ten years ago. On 06.09.2016  
informant received information that his sister has been killed by  
her husband along with family members, upon which he went to  
matrimonial home of his sister but no one was found there. On  
search the dead body of the deceased sister was found in Digha river.



Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in the aforesaid case on the basis of hearsay and there is no eye-witness of the alleged occurrence. It has further been submitted that the petitioner is 70 years old man and his wife, who was 30 years old, had illicit relationship with other persons, hence, he has been falsely implicated. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State vehemently opposes the prayer for bail and submits that the eye-witness, namely, Polino Soren @ Polina Soren has seen the occurrence and has given her statement under Section 164 of the Cr.P.C. that the deceased was brutally assaulted by the petitioner and his nephew Jetha Hembram. The nephew Jetha Hembram has also confessed his guilt as is evident from para 40 of the case diary.

Considering the facts aforesaid and materials on record, I am not inclined to grant privilege of bail to the petitioner. Application is, accordingly, rejected.

**(Nilu Agrawal, J.)**

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