

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29356 of 2017

Arising Out of PS.Case No. -3 Year- 2017 Thana -AGHORA District- BHABHUA (KAIMUR)

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1. Rajesh Jaiswal son of Hari Prasad Jaiswal R/o village Bakharabandh P.S.
Bhagwanpur, District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan
For the State	:	Mr. Pancha Nand Pandit
For the informant	:	Mr. Praveen Kumar
		Mr. Uday Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in custody since 21.04.2017 in
connection with Adhaura P.S. Case No. 03/2017, G.R. No. 166/17
for offences punishable under Sections 302, 201, 34 of the Indian
Penal Code.

The prosecution case, as lodged by the Chowkidar, is
that he received information that a burnt dead body of a lady is
lying in the jungle and on the next day morning the body was
recovered.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and later on the body was identified to be of one Shakuntala Devi as identified by her daughters. He submits that just because there was dispute between the second wife Sunita Devi and first wife Shakuntala Devi (deceased) over property that the petitioner being brother of second wife Sunita Devi, has been made accused. It is submitted that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned counsel for the informant submits that the daughter of the deceased has identified the dead body and one of the daughters has named him and even his own niece has named the petitioner and the mobile location of the accused Sunita Devi and the petitioner has been found at the same place. He further submits that the petitioner is involved in killing Shakuntala Devi, hence, opposes the prayer for bail.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Adhoura P.S. Case



No. 03/2017, G.R. No. 166/17, pending in the court of learned
Chief Judicial Magistrate, Kaimur at Bhabua.

Application is, accordingly, rejected. However,
petitioner may renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

Rajesh/-

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