

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26862 of 2017

Arising Out of PS.Case No. -45 Year- 2017 Thana -LALGANJ District- VAISHALI(HAJIPUR)

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Pankaj Sah S/o Sri Ganesh Sah Resident of Village- Jehanabad Ataulahpur,
Ward No- 14, P.S. Lalganj, District- Vaishali at Hajipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
14.03.2017 in connection with Lalganj P.S. Case No. 45 of 2017
pending in the Court of learned Chief Judicial Magistrate, Vaishali
at Hajipur registered for the offence punishable under Sections
302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that on 09.03.2017 at 09:45 P.M. after he had retired in his room
with his wife, who was stitching the clothes, petitioner along with
Pintu Sharma, son-in-law (Damad) of the informant came armed
with a knife and a bamboo and started assaulting his wife, causing



grievous injuries. She was taken to hospital, but during treatment she succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that the allegations are general and omnibus, does not specify, who hit the informant's wife, which resulted in her death and he has no concern with the inimical terms of the informant with the co-accused, Pintu Sharma.

However, learned counsel for the informant submits that the informant was the eye-witness to the alleged occurrence where both the petitioner and co-accused Pintu Sharma were indulged in assault resulting in the death of informant's wife. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, since the informant is the eye-witness to the alleged occurrence, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly, rejected with direction to the learned Court below to conclude the trial expeditiously.

(Nilu Agrawal, J.)

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