

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26980 of 2017

Arising Out of PS.Case No. -35 Year- 2016 Thana -CHANDRADEEP District- JAMUI

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1. Sanjay Yadav, Son of Phulchand Yadav, Resident of Village- Masaura,
P.S. Sikandra, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 02-08-2017 Heard learned counsel for the petitioner, learned

counsel for the husband of the deceased and learned APP for the

State.

Petitioner is languishing in custody since 22.11.2016 in
connection with Chandradeep P.S. Case No. 35/2016 for offences
punishable under Sections 302/201 of the Indian Penal Code.

The prosecution case, as lodged by the police official, is
that on information that a dead body along with a child was lying
in a well near the house of one Hari Sao, the police recovered the
dead body of one lady along with a four month old child.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that no offence as alleged has been committed by him, 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 husband of the deceased submits that his wife was having illicit relationship with the petitioner, she had gone to live with him for some years and had no connection with him. He further submits that the petitioner had killed his wife and four month old child, hence, opposes the prayer for bail.

Learned APP for the State also opposes the prayer for bail stating therein that the witnesses have supported the prosecution case and the CDR location of the mobile was found in the village where such occurrence had taken place.

A report was called for from the learned court below, which has come vide letter no. 134 dated 28th July, 2017 that charges have been framed, as many as 17 witnesses are to be examined and the trial is likely to be concluded within 12 months.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to



the petitioner at this state in connection with Chandradeep P.S.
Case No. 35/2016, pending in the court of learned Addl. Sessions
Judge-III, Jamui.

Application is, accordingly, rejected. However, liberty
is given to the petitioner to renew his prayer for bail after one
year.

(Nilu Agrawal, J)

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