

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.170 of 2017

Arising Out of PS.Case No. -568 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Saheb Mian, son of Hardish Mian, resident of village Mathia, P.S.
Turkauliya, District- East Champaran

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Patanjali Rishi

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 02-05-2017 Heard learned counsel for the appellant as well as
learned Special P.P.

While the deceased was returning home after visiting
a circus, she was waylaid by co-accused Dhorha Manjhi alias
Sikandar Manjhi. On the following day, her dead body was traced
out. The informant, her daughter had also shown suspicion against
the appellant.

From perusal of the case diary, it is evident that none
had pinpointed directly or indirectly levelled allegation against the
appellant. Even the informant had shown her ignorance and
further stated that at the instance of enemies of appellant, she
suspected against him.

However, from para-4 of the case diary, it is evident
that appellant got himself before the Investigating Officer, who



recorded his statement and then he was let out. In the aforesaid eventuality, instant Appeal under garb of Section 438 Cr. P.C. would not lie.

Moreover, during course of consideration of regular bail, the learned lower court will consider the aforesaid eventuality coupled with the fact that the main accused Sikandar Manjhi alias Dhorha Manjhi had already been granted bail by this Court in Cr. Misc. No. 46878 of 2015.

With the aforesaid observations, the instant appeal is disposed of.

(Aditya Kumar Trivedi, J)

S.Pandey/-

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