

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19868 of 2017

Arising Out of PS.Case No. -78 Year- 2015 Thana -BIKRAM District- PATNA

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Ragini Devi Wife of Late Ramesh Kumar, Resident of Village- Bikram,
Police Station- Bikram, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
Mr. Akhauri Kamal Kishore Sahay,
Advocate

For the Informant : Mr. Ramakant Sharma, Advocate

For the State : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-05-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The Petitioner seeks bail in Sessions Trial No. 241 of
2017 arising out of Bikram P.S. Case No. 78 of 2015 instituted
for the offence under Sections 302, 120B and 34 of the Indian
Penal Code.

As per the written report the informant got
information that his son, who had gone to his *sasural* on the call of
his wife, Ragini Devi, is seriously injured. The informant went to
see his son and his son told him that the petitioner and other
accused persons have assaulted him and cut the nerves of his
hands and legs with sharp weapon and there is no chance that he



will be alive. The informant wanted to take his son to hospital but the accused persons obstructed and became ready to assault and thereafter the informant came to police station but in the meantime, the son of the informant died in his *sasural* itself.

Case Diary has been received in this case. The witnesses in paras 4,5 and 6 have all stated that the deceased was alive when they went to meet him and prior to his death disclosed the name of this petitioner and other accused persons. The other witnesses in paras 33, 34, 35, 37, 38, 39 and 40 of the case diary have stated that the petitioner had illicit relationship with some other boy, which was objected by the deceased and therefore he was done to death by the petitioner, in conspiracy with other accused persons after calling him in the *sasural*.

The counsel for petitioner has submitted that witnesses in paras 39 and 40 have stated that they heard that deceased fell from the roof.

The learned A.P.P. has submitted that the injury mentioned in post mortem report fully support the allegation made by the deceased prior to his death. The Doctor has found cut injury on the nerves of hands and legs of the deceased. The specific allegation made by the deceased prior to his death against the petitioner can be taken to be his dying declaration before death,



which is supported by the injuries found in the post mortem report and the statement of other witnesses.

It has been submitted on behalf of the petitioner that some of the accused persons have been granted bail by co-ordinate Benches of this Court vide orders dated 28.2.2017 and 4.8.2016 passed in Cr. Misc. Nos. 1327 of 2017 and 29976 of 2016. This Court finds by perusing those orders that all these materials were not brought to the notice of the Court at the time of grant of bail to them.

Counsel for the Opposite Party No. 2 appears and opposes the prayer for bail. He has submitted that in paragraphs 33, 34, 35, 37 to 40 the witnesses have levelled specific allegation against the petitioner. They have stated that petitioner had illicit relation with another boy. The post mortem report supports the dying declaration of the deceased.

In the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. The prayer is rejected at this stage.

(Sanjay Priya, J)

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