

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9556 of 2017

Arising Out of PS.Case No. -8 Year- 2014 Thana -UDAKISHANGANJ District- MADHEPURA

=====

Sanjay Kumar Suman @ Sanjay Sah s/o Late Kamleshwari Sah, Resident of
Village- Dohatbari (Kishunganj), P.S.- Udakishunganj, District-
Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Yogendra Kumar

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 11-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
06.08.2016 in connection with Udakishunganj P.S. Case No. 08 of
2014 for offences punishable under Sections 302, 328, 323, 341,
147, 149 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his 18 year old daughter Sajan Kumari had gone to attend
natural call at 6 P.M. and did not return. On search he was
informed that the petitioner along with other co-accused had
assaulted his daughter. Thereafter the informant's daughter was
taken to the hospital where she succumbed. The cause of dispute is



property matter.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case because of inimical terms for property dispute with the informant's family. He submits that informant and his wife was informed by one Champa Devi that his daughter is lying in an orchard. He submits that the name of the petitioner was not taken by the informer but the petitioner and other co-accused has been named by the informant falsely. He submits that charge-sheet has already been submitted and he undertakes to cooperate in the trial.

However, learned APP for the State opposes the prayer for bail stating therein that independent witnesses have seen the occurrence and that the deceased girl was also forcibly made to drink something. In this connection viscera was preserved for which the report has been called for from the Director Forensic Science Laboratory, Bihar, Patna which has been received. The result of the examination has been shown that Thimet was detected which is commonly used in agriculture for killing and is highly poisonous.

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 Udakishunganj P.S.



Case No. 08 of 2014 pending in the court of learned Chief Judicial
Magistrate, Madhepura.

The application is, accordingly, rejected.

The registry is to send the viscera report under sealed
cover to the learned court below.

(Nilu Agrawal, J)

Devendra/-

U		T	
---	--	---	--

