

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26018 of 2017

Arising Out of PS.Case No. -61 Year- 2016 Thana -SRI NAGAR District- MADHEPURA

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Mukesh Sharma S/o Kamo Sharma, resident of Village- Bagawa, Ward No. 3, P.S.- Srinagar, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 05.11.2016 in connection with Sessions Trial No. 19 of 2017 arising out of Srinagar P.S. Case No. 61 of 2016, pending in the Court of learned Additional Sessions Judge-I, Madhepura registered for the offence punishable under Section 302 and other allied sections of the Indian Penal Code.

The prosecution case, as lodged by the maternal uncle of the deceased, Deepak Kumar, is that his sister Punam Devi and her husband (petitioner) had a fight with



each other, as petitioner wanted to sell their ancestral property. While the petitioner along with his sister and children, deceased Deepak Kumar and daughter Pinki Kumari had gone to see fair, on the way there was some fight between the petitioner and his wife and the petitioner inflicted knife blow on his sister, deceased Deepak Kumar and daughter Pinki Kumari, as a result of which Deepak Kumar succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent and the incident happened at the spur of moment and that he has no criminal history. It is further submitted that the trial is going on and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner has killed his own son and inflicted grievous injuries on his wife and daughter.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner. This application is, accordingly,



rejected.

However, petitioner may renew his prayer for bail after one year, if trial is not concluded within that period.

(Nilu Agrawal, J.)

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