

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38088 of 2018

Arising Out of PS. Case No.-222 Year-2017 Thana- DIGHA District- Patna

Vijay Prasad @ Doman Paswan, Son of Late Kapil Prasad, Resident of Mahatma Gandhi Path, Gali No. 03, Kurji Police Station- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Krishna Tiwary

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 13.01.2018 in connection with Sessions Trial No. 244 of 2018, arising out of Digha P.S. Case No. 222 of 2017 for offences punishable under Section 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that one month back there was a dispute between her husband Chhote Manjhi @ Dileshwar Manjhi (deceased) with the petitioner while he had gone to the field regarding some loan given. On the date of occurrence, while the informant was sleeping along with her husband and had gone outside the room for natural call in the night, the informant's husband raised



alarm and when she returned to her room she found her husband stabbed and the petitioner fleeing from the room.

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 out of previous enmity. He submits that the informant in her deposition before the trial court has not alleged anything against the petitioner and feigned ignorance of the petitioner stabbing the informant's husband. He further submits that the charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the informant is the eye-witness to the alleged occurrence, who has seen the petitioner fleeing from the room after stabbing her husband, who died during course of treatment.

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 Sessions Trial No. 244 of 2018, arising out of Digha P.S. Case No. 222 of 2017, pending in the court of learned Addl. Sessions Judge-XIII, Patna.



Application is, accordingly, rejected. However, petitioner is at liberty to renew his prayer for bail after one year, if the trial is not concluded by that time.

(Nilu Agrawal, J)

Rajesh/Pragya

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