

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49551 of 2017

Arising Out of PS.Case No. -83 Year- 2015 Thana -BAUSI District- PURNIA

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Naga, Son of Indra Lal Rai, resident of Village- Bakariya, P.S. Baisi,
District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 05-01-2018 The petitioner seeks bail in connection with Sessions Trial No. 247 of 2017, arising out of Baisi P.S. Case No. 83 of 2015 dated 20.05.2015 instituted for the offence under Sections 302/34 of the Indian Penal Code.

The informant, who is father of the deceased has alleged that the deceased was married to Anita Devi and he had settled in his in-laws' house. The relationship between the in-laws of the petitioner and the deceased was never cordial. On the date of the occurrence, there was a fight between the members of the family of Anita Devi (wife of the deceased) and the deceased, whereafter the deceased is said to have gone out of the house. Later, Anita Devi was heard shouting that her husband has died. The informant was told by another neighbour that the petitioner and his brother Sattan @ Bauka were seen carrying the dead body from behind the house towards inside the courtyard.



Learned counsel for the petitioner has submitted that merely because the death took place in the house of the petitioner, he cannot be saddled with the charge of murdering the deceased. There is no eye witness to the occurrence and but for an inference which has been drawn by the informant and others that because of bad relations between the family members of Anita Devi and the deceased, the deceased has been done to death, there is no other material to connect the petitioner with the crime. However, another brother of the petitioner who is also the brother-in-law of the deceased viz. Sattan @ Bauka has also been made accused in this case and his prayer for bail has been rejected by a Bench of this Court. It appears that charge-sheet of the case has been submitted and the trial has commenced.

This Court is not inclined to grant bail to the petitioner for the present. If the trial is not concluded within a reasonable period of time, the petitioner may renew his prayer for bail.

The prayer for bail is, therefore, rejected with the aforesaid observations.

(Ashutosh Kumar, J)

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