

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16588 of 2019

Arising Out of PS. Case No.-139 Year-2016 Thana- KAMTAUL District- Darbhanga

ARUN SADAY @ ARUN SADA, aged about 38 years (Male), S/o Jiya Saday, Resident of Village-Madhopatti (Saday Tola), P.S-Kamtaul, District-Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Anju Jha, Advocate.

For the Opposite Party : Mr.Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 17-09-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case registered for the offence under Section 302 of the IPC.

The prosecution story, in brief, is that on 24.08.2016 at 9.00 A.M. Jiya Saday, father of the petitioner, had gone for cutting grass in the field but after sometime, one child came running to him and told that *Budhiya* has been killed on which he returned back to his home and saw the dead body of his wife Sabariya Devi on the *Verandah* of the house and villagers had kept Arun Saday (petitioner) confined. The villagers told him that Arun Saday (petitioner) killed his mother by means of *Bamboo-Danda* and he was fleeing away. The informant has



further stated that due to assault by *Danda* behind the neck, his wife died. It is further alleged that petitioner had kicked out his wife after assaulting her 5-6 months ago and the wife of his son is living in her *Naihar* resulting his son lives in tension. It is further alleged that one week before petitioner had assaulted his mother and when the informant tried to advice not to do so then he also abused him.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in jail since 25.08.2016. He has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per allegation, a single *Bamboo* blow is alleged to have given by the petitioner on the deceased who was mother of the petitioner. No offence under Section 302 of the IPC is made out. At best, it is a case for the offence under Section 304 of the IPC.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. There is specific allegation of assault upon the deceased alleged against the petitioner.

A report was called for from the court below regarding the stage of the case. It has been reported that out of



six prosecution witnesses, five prosecution witnesses have already been examined and the trial is expected to be concluded within a period of six months.

Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Kamtaul P.S. Case No. 139 of 2016 (G.R. No. 2760 of 2016) corresponding to Sessions Trial No. 77 of 2017, pending in the court of learned Ist Additional Sessions Judge, Darbhanga.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of six months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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