

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30846 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- PAKRIDAYAL District- East Champaran

LALLAN KUSHWAHA @ LALAN KUSHWAHA Son of Sita Ram Prasad
@ Sitaram Bhagat Resident of Village- Sonaul, Police Station- Rajepur,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-07-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Rajepur P.S. Case No.**
222 of 2018, instituted for the offence under Section(s) 302 and
120(B)/34 of Indian Penal Code.

It is alleged in the written report that *Bhavo* of the informant namely, Geeta Devi has developed illicit relationship with Lalan Kushwaha (petitioner). The said relationship was opposed by father of the informant Ramchandra Sah (since deceased) and his mother. It is further alleged that on 27.12.2018, the mother of the informant had beaten Geeta Devi with slaps for her bad character. Thereafter, Geeta Devi had given threat to her. Due to said annoyance, Geeta Devi



called her paramour Lalan Kushwaha (petitioner) and kept him in room. In the night at about 11-12 P.M., on hearing sound, the informant along with his wife Kiran Devi woke up and saw in the light of bulb that petitioner was sitting on the chest of his father Ramchandra Sah (since deceased) and pressing his throat and mouth. The informant rushed to the village. On his alarm, when villagers came there, they saw that petitioner and co-accused Ram Kishore Prasad were fleeing away. They were chased, but managed to run away. The informant saw that blood was oozing from the ear of the deceased. *Gupti* (sharp cutting weapon) was pierced in the ear of father of the informant.

Case diary has been received.

Learned A.P.P. after looking into the case diary submits that informant in his further statement and wife of the informant namely, Kiran Devi in paragraph-28 of the case diary have fully supported the case. They are eye witnesses. The villagers have also stated that they had seen the petitioner running away from the place of occurrence. The Doctor has found the cause of death in the post mortem report due to Axphyxia on account of strangulation and supported the allegation.

Therefore, this Court is not inclined to grant bail to



the petitioner.

Prayer for bail of the petitioner stands rejected.

Counsel for the petitioner submits that petitioner is
in custody since 31.12.2018.

The trial court is directed to expedite the trial and
make efforts to conclude the trial as early as possible preferably
within a period of nine months from the date of receipt of this
order.

(Sanjay Priya, J)

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