

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73908 of 2018

Arising Out of PS. Case No.-83 Year-2018 Thana- ARARIA District- Araria

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Sanoj Sah, Son of Bindeswari Sah, Resident of Village-Maruti Seva
Sadan, Ward No.6, P.S. Araria, R.S., Distt.-Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.
For the Opposite Party/s : Mr. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 23-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
24.02.2018 in a case registered for the offence punishable
under Section 302 of the Indian Penal Code.

The prosecution case got initiated on the basis of
written report of Binod Sah submitted to the Station House
Officer, Araria R.S. Police Station is to the effect that the
informant was informed by a co-villager through mobile phone
that his son-in-law, the petitioner, has assaulted the daughter of
the informant and has kept confined her in a room. After
having received such information, the informant went to the
in-laws house of his daughter and found her daughter dead. It



appears that the victim was killed by assaulting with a mortar and pestle.

It is submitted by learned counsel for the petitioner that admittedly, neither the informant is an eye witness to the occurrence, nor has any eye witness come forward during investigation to support the allegation. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner has confessed that he killed the daughter of the informant.

Considering the fact that the dead body was recovered from the house of the petitioner, being the husband of the victim and there being no explanation from the petitioner's side about the cause of death of the victim, this Court is not inclined to grant bail to the petitioner in connection with Araria (R.S.) P.S. Case No. 83 of 2018, pending before the learned CJM, Araria.

Accordingly, the prayer for bail of the petitioner is rejected.

Since the report of the learned 3rd Additional District and Sessions Judge, Araria, received through Letter No. 24, dated 21.01.2019 reflects that despite repeated



reminder, the prosecution has failed to produce any witness for examination, the Superintendent of Police, Araria is expected to get the witnesses produced on the next date fixed, so that the trial may concluded within a period of one year.

It is made clear if the trial will not be concluded within a period of one year, the petitioner would be at liberty to renew his prayer for bail.

(Dinesh Kumar Singh, J)

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