

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16329 of 2021**

Arising Out of PS. Case No.-90 Year-2020 Thana- SAHARGHAT District- Madhubani

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GULSHAN KUMAR JHA Son of Viru Jha Resident of Village - Sahar Uttari
Mahapat Tole, P.S.- Saharghat, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr.Ravi Prakash, Adv.
For the Opposite Party/s :		Mr.Narendra Kumar Singh, APP
For the Informant	:	Mr.Ratnakar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-09-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Saharghat P.S. Case No.90/2020 registered for the offences punishable under Section 302 of the Indian Penal Code. He is in custody since 27.07.2020. The petitioner has no criminal antecedent.

As per the prosecution story, the deceased Sudha Devi, wife of Navonath Jha was residing in her village with her children, her husband was working outside the State, taking advantage of the same, the petitioner who was a neighbour wanted to establish forceful physical relationship with the

deceased.

In course of investigation, it has come that when the deceased protested against the forcible act of the petitioner, she was assaulted, the petitioner pressed her neck and committed her murder.

Learned counsel for the petitioner submits that the petitioner is neighbour and due to earlier dispute he has been made accused in this case and the informant is not an eye-witness of the alleged occurrence.

Mr. Narendra Kumar Singh, learned APP for the State has taken this Court through the case diary. There are several witnesses in the case diary including eye witness who have alleged that they had seen the petitioner entering into the house and then while fleeing away after committing murder of Sudha Devi. The witnesses are consistent that the petitioner wanted to establish forceful physical relationship with the deceased which was protested by her and then he committed her murder. Inquest report has shown several injuries on both hands and legs of the deceased.

Learned counsel for the informant has also opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case

and the overwhelming materials present in the case diary in form of the statement of the several witnesses supporting the prosecution case, this Court is not inclined to release the petitioner on bail. The prayer for bail is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.