

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13589 of 2020

Arising Out of PS. Case No.-290 Year-2019 Thana- MIRGANJ District- Gopalganj

MUNNA SAH S/o Harishankar Sah @ Harishankar Shah R/o village-
Semrawn, P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 27-09-2021 Heard the parties.

The petitioner seeks bail in connection with Mirganj P.S. Case No.290 of 2019 registered for the offence punishable under Sections 324, 354, 307 of the Indian Penal Code and later on section 302 IPC was added.

The prosecution case in short is that while the informant went outside to attend the call of nature and when he came back to his house, he saw that the petitioner was fleeing away handed with a Dab. When the informant reached his courtyard, he saw a cut injury on the forehead of his wife, then she was brought to Hospital. It is alleged that petitioner always used to say that he would take the life of his wife. Later on the victim died.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence has ever taken place in the manner



as alleged in the FIR. He has been falsely implicated in this case due to previous enmity related to the *Rasta*. As a matter of fact there is a dispute regarding the passage in between the parties and on the instance of the enemies the accused petitioner was implicated in this case. The petitioner has no criminal antecedent and has been languishing in custody since 09.12.2019.

Learned APP for the State opposed the prayer for bail and submits that the informant is the eye witness of the said occurrence and there is specific allegation of overt act against the petitioner. From the impugned order, it is clear the the witnesses have supported the prosecution case. Further, on perusal of the post mortem report as mentioned in para-29 of the case diary, it appears that doctor has found 13 stitches on just above left eyebrow of the dead body of the deceased and also found fracture in skull bone.

Considering the facts and circumstances of this case, I am not inclined to grant bail to the petitioner, as such, prayer for bail of the petitioner is rejected.

The instant bail application is hereby dismissed.

(Anjani Kumar Sharan, J)

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