

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29122 of 2020

Arising Out of PS. Case No.-192 Year-2019 Thana- SHANKARPUR District- Madhepura

Nathuni Sah @ Nathuni Saw, Son of Jaynarayan Sah @ Jaynarayan Saw @ Jay Nr. Sah, Resident of Village - Bathan Parasa, Ward No. 5, P.S. - Shankarpur, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 29-01-2021 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Shankarpur P.S. Case No.192/2019 registered for the offences punishable under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the First Information Report the son of the informant received a call on his mobile phone of this petitioner and he was asked to come. The son of the informant left his home saying the informant that he has been called by this petitioner but on the next day the dead body of the son was found lying in a maize field. Learned counsel submits that on perusal of the First



Information Report it would appear that the First Information Report has been lodged on 24.12.2019 at 10.00 pm whereas the inquest report was made much before that. It is his submission that if the informant had anything to say against the petitioner, she would have disclosed the name of this petitioner at the outset.

Learned counsel further submits that the telephonic call made to the son of the informant and he being seen with this petitioner by some of the witnesses eating and drinking together has nothing to do with the alleged death of son of the informant and it nowhere indicates involvement of this petitioner.

On the other hand, learned APP for the State submits that the F.I.R. was lodged at 10.00 pm after the dead body of the deceased was found at 3.00 pm in the Bahiyar and this was informed to police by somebody else, the police had prepared the inquest report after reaching the said place and the dead body was sent to Sadar Hospital for postmortem. It is stated that only after getting the information and reaching to the place the F.I.R. was lodged and, therefore, no issue may be raised out of that.

Learned APP has further informed that in course of investigation it has been found that on the alleged date i.e.



23.12.2019 this petitioner and deceased had a talk at least on five occasions and then in the evening the independent witnesses have seen the petitioner along with some other persons and the deceased sitting together and talking about some monetary transactions and they were taking eggs and drinks. It is submitted that in the circumstances which are come in course of investigation, enough materials are indicating against the petitioner and considering the seriousness of the offence alleged and the materials on the record petitioner does not deserve privilege of regular bail.

Having regard to the facts and circumstances of the case and considering the kind of materials which have been placed before this Court by learned APP for the State, there being independent witnesses who have seen this petitioner along with the deceased talking about some monetary transactions and the investigation is disclosing that at least on five occasions there was a talk between the petitioner and the deceased and on asking of this petitioner he had left the house and went to him but thereafter did not return, this Court is not inclined to grant privilege of regular bail to the petitioner. The prayer is refused.

Let the trial be expedited.

The learned trial court is directed to proceed with the



trial without granting longer date and no unnecessary adjournment be granted. The prosecution must cooperate in course of trial.

(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'.

