

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33310 of 2020**

Arising Out of PS. Case No.-226 Year-2019 Thana- SHAHKUND District- Bhagalpur

Umesh Sah, aged about 44 years, Male, S/o Mahadev Sah @ Rambilash Sah,  
R/o village- Bariyarpur, P.S.- Shahkund (Sajour), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf, Advocate  
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

3      15-01-2021                      Heard Syed Masleh Uddin Ashraf, the learned counsel  
appearing on behalf of the petitioner and Mr. Mukeshwar Dayal,  
the learned Additional P.P.

Petitioner seeks bail in Shahkund P.S. Case No.226 of  
2019, registered under Sections 302 and 34 of the Indian Penal  
Code.

The informant made specific allegation that the  
petitioner and his son entered into her house in the dead of night.  
The petitioner slit the neck of her mother-in-law while she was  
sleeping and killed her.

Learned counsel for the petitioner submits that there is  
previous enmity between the two sides. Petitioner is in jail since  
17.12.2019 and the petitioner is suffering from HIV. His condition  
is deteriorating day by day and no proper treatment is provided



inside the jail.

The learned Additional P.P. however, opposed the prayer for bail.

Perused the FIR and the case diary. There is specific allegation that it was the petitioner who slit the neck of mother-in-law of the informant and killed her and it has also come that earlier the petitioner made an attempt to kill her for which Shahkund P.S. Case No.37 of 2014 was registered. The present occurrence is said to have taken place only when the informant and her mother-in-law did not agree to compromise the earlier case.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

However, the trial court is directed to hold the trial on day to day basis and expedite the trial and conclude the same within nine months from the date of receipt of this order.

The Superintendent of Police, Bhagalpur is directed to ensure the attendance of the prosecution witnesses in the trial court so that the trial must be concluded within nine months.

If the case is not committed to the court of sessions, the District & Sessions Judge shall ensure that the case must be committed to the court of sessions within two weeks from the date of receipt of this order.



In the meantime, the court in seisin of the case shall call for a report or the trial court shall call for a report from the doctor of the jail about the condition of the petitioner and if the petitioner requires specific treatment for HIV, he may be shifted to Bhagalpur Medical College & Hospital for proper treatment.

**(Prabhat Kumar Jha, J)**

S.KUMAR/-

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