

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39030 of 2020**

Arising Out of PS. Case No.-369 Year-2019 Thana- FALKA District- Katihar

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BHAWESH SAH Son of Jayapal Sah Resident of Village- Darmahi, P.S.
Falka, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Adv.

For the Opposite Party/s : Mr.Aslam Ansari, APP.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 23-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Falka P.S. Case No.369/2019 registered for the

offences punishable under Section 302/34 of the Indian Penal

Code.

Learned counsel for the petitioner submits that the

First Information Report was lodged by the father of the

deceased. He alleged that his son was watching television in his

house, he received a telephone call and all of a sudden left with



his motorcycle for outside saying that he will come soon. Thereafter at about 9.00 pm the informant received the call of this petitioner who is the son-in-law of the informant. On the request of this petitioner to come when the informant reached near Darmahi Canal, he found the dead body of his son. The informant alleged that unknown criminals had shot dead his son. It is further alleged that some people had seen the son of the informant at Darmahi and he was found asking the phone number of his brother-in-law (this petitioner).

Learned counsel submits that the petitioner has been brought in this case on mere suspicion. There is no allegation against him that he had killed the son of the informant.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that there are overwhelming materials in the case diary against the petitioner. In course of scientific investigation through the analysis of the CDR of the mobile phones it has been found that the daughter-in-law of the informant had some illicit relationship with this petitioner who is the son-in-law of the informant. In between 01.07.2019 to 19.09.2019 both of them had made 765 calls to each other. In paragraph '37' of the case diary it has come that the petitioner had been in contact



with the deceased's wife on the date of occurrence also. In paragraph '89' of the case diary the informant has stated that his daughter asked him to forget what has been done to his son and to save this petitioner as he happens to be the son-in-law of the informant.

Having regard to the facts and circumstances of the case, the seriousness of the allegation in which because of the illicit relationship between the petitioner and the wife of the deceased as alleged, the son of the informant has been killed and the scientific information reveals that the petitioner was in touch with the deceased's wife on the date of occurrence as well, in the kind of the materials placed before this Court, this Court is not inclined to release the petitioner on bail. Prayer for bail is, thus, rejected.

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'.

