

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39024 of 2020**

Arising Out of PS. Case No.-5 Year-2020 Thana- PANAPUR District- Saran

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SACHIN BHASKAR, son of Rajendra Prasad, Resident of Village- Mashrak,
P.S. Mashrak, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, A.P.P.

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

5 28-07-2021 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 Mr. Ram Sumiran Rai, learned A.P.P. for the State. Mr. Md. Zakaria, who is the I.O. of this case is also present on line and has apprised this Court with the materials collected in course of investigation.

Petitioner in the present case is seeking regular bail in connection with Sessions Trial No. 195 of 2020 arising out of Panapur P.S. Case No. 05 of 2020 registered for the offence punishable under Sections 302, 120B and 34 of the Indian Penal Code.

As per the prosecution story, the informant who happens to be the second wife of the deceased lodged the F.I.R. on

10.01.2020 alleging therein that on 09.01.2020 at about 4.00 P.M. her husband (since deceased) who was looking after the Aadarsh Nursing Home went to Panapur to see a person. He was on his motorcycle. At about 5.00 P.M. the younger brother of the informant made a call on the mobile number of the husband of the informant, he talked to him for some time but thereafter the mobile of her husband went switched off. The informant then alleged that when she repeatedly started calling on the mobile number of her husband, the calls were getting diverted to her mobile number whereafter she along with her relatives started searching out her husband. In the morning at about 8.00 A.M. she came to know that the dead body of her husband was lying near Rasauli Paschim Tola Chour on the side of the road. The motorcycle was also lying there.

Learned counsel for the petitioner submits that as per prosecution story the husband of the informant was killed by a sharp cutting weapon. The post-mortem report was done at 1.30 P.M. on 10.01.2020 and according to this report the death had taken place about 10-14 hours ago. In the confessional statement of the petitioner the deceased was killed at 6.30 P.M. on 09.01.2020, therefore, the time between the death of the deceased husband of the informant and the time mentioned in the post-mortem report does not corroborate.

Learned counsel further submits that the petitioner is a teacher and because he was helping the informant in her studies which was not liked by her in-laws, the present case has been filed. Learned counsel for the petitioner has informed that the informant of this case has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 28464 of 2020.

On the other hand, Mr. Ram Sumiran Rai, learned A.P.P. for the State and the I.O. have informed this Court that in course of investigation it has come that the petitioner and the informant were having illicit relationship. The informant was made accused in this case. Petitioner has made confessional statement in which he has disclosed the manner of occurrence. Apart from that the scientific investigation on analysis of the CDR of the mobile of the petitioner and the informant disclosed that they were regularly in touch with each other and almost every day they were making 2-3 calls, on the date of occurrence also the petitioner had called at about 15:30:22 hours and had a talk about 80 seconds. The mobile location of the petitioner and the informant have been found within one and half kilometer of the radius of the place of occurrence. The witnesses have supported the prosecution case stating that prior to the killing of the husband of the informant, there had been some quarrel between the petitioner and the deceased because the deceased had come to know about the illicit

relationship of the petitioner with his wife.

Considering the facts and circumstance of the case wherein overwhelming materials have been placed before this Court by the learned A.P.P. and the I.O. and the prosecution case is getting support from the materials collected in course of investigation, this being a serious offence and the manner of occurrence by cutting the neck of the deceased indicates brutal killing, this Court is not inclined to release the petitioner on bail. The prayer for bail of the petitioner is, thus, refused.

Let the trial be expedited.

The application stands disposed of accordingly.

(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'.