

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5767 of 2022

Arising Out of PS. Case No.-151 Year-2021 Thana- BIHRA District- Saharsa

Vishwanath Sah Son of Late Lattar Sah Resident of Village - Bihra
Premnagar, P.S. - Bihra, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-04-2022 Heard both parties.

The petitioner seeks bail in Bihra P.S. Case No. 151 of 2021, registered for the offence punishable under Sections 376, 302, 34 of the Indian Penal Code.

As per the prosecution case, this petitioner along with co-accused Shatrudhan Sah and some unknown persons killed the daughter of informant by strangulating her after committing rape.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. Entire allegation is false and concocted. Only on suspicion petitioner has been made accused in this case. Petitioner happens to be father-in-law of the deceased. Petitioner bears no criminal antecedent and he is in custody since 07.08.2021.



Counsel for the State opposed the bail application and submitted that para 8 of the case diary is the statement of son of the deceased aged about 6 years who claimed to be the eye-witness of the occurrence. He stated that his father and grandfather (petitioner) dragged out his mother and they killed her by strangulating. This fact has also been supported by the postmortem report wherein it is mentioned that ligature marks were found over the neck and cause of death is Asphyxia.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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