

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7300 of 2022**

Arising Out of PS. Case No.-182 Year-2021 Thana- AMARPUR District- Banka

MUNNA HANSDA Son of Sahdev Hansda Resident of Village- Kaithadol,
P.O. Bhiria, P.S. Fullidumar, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar @Deepak Sahay, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 11-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Amarpur
(Fullidumar) P.S. Case No. 182 of 2021 registered for the
offence under Section 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.05.2021.

The allegation against the petitioner is to commit
murder of his wife by causing head injury, while assaulting with
'Chaila' (wooden piece).

Learned counsel appearing on behalf of the petitioner
submitted that from the given set of allegations and



circumstances, it cannot be gathered that petitioner was under intention to cause death of his wife. It is also submitted that the informant is not the eye-witness of the occurrence, where, entire allegation is based upon hearsay input. It is also submitted that entire occurrence took place in parental home of deceased. While concluding the argument, it is submitted that allegation and manner of assault maximum suggests that offence under Section 304(2) of the Indian Penal Code is made out and not under Section 302 of the Indian Penal Code, as alleged, moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that the basis of implication is the version of eye-witness of the occurrence, who is none but own sister of the deceased and her presence in house is very natural, when assault was caused by this petitioner. It is further submitted that allegation against this petitioner is also to cause disappearance of evidence of present offence by hanging the body of deceased. It is further submitted that cause of death as mentioned in postmortem report, appears in corroboration with manner of assault, as alleged.



In view of the submissions, as made above and further in view of specific allegation of fatal assault against this petitioner, as raised by eye-witness of the occurrence, during course of investigation, where, nature of injuries found in corroboration with manner of assault, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to proceed with the matter, by taking it on board, on day-to-day basis, if required, so as trial may conclude within 06 (six) months from the date of receipt of a copy of this order, failing which, the petitioner shall be at liberty to renew his prayer for bail, if so advised.

Superintendent of Police, Banka is directed to produced the charge-sheeted witnesses, as and when directed by the learned Trial Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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