

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8082 of 2022

Arising Out of PS. Case No.-515 Year-2020 Thana- BETTIAH CITY District- West
Champaran

=====

Mahesh Raut Son Of Asarif Raut, R/O - Jagjiwan Nagar Ward No.27, P.S.-
Bettiah Town, District- W. Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Md. Fahumuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bettiah Town P.S. Case No. 515 of 2020 arising
out of S.Tr. No. 4040 of 2021 registered for the alleged offences
under Section 302 of the Indian Penal Code.

As per prosecution case, the petitioner is the husband
of the informant and after some altercation with his parents, the
petitioner abused the informant and caught hold of the ten
months old daughter of the informant and slammed her on the
plastered floor, causing her death.



The learned counsel for the petitioner submits that the prosecution case is out and out false and concocted. The petitioner is innocent and has been falsely implicated in this case. The informant resides near the house of the petitioner and she is lady of suspicious character. The petitioner made protest against her behaviour, so she has falsely implicated him in this case. Learned counsel further submits that the petitioner is not the husband of informant and the informant has made false statement that the petitioner is her husband. The informant has named three persons as her husband which is clear from various documents brought on record by the petitioner. These documents clearly show that the petitioner is not the husband of the informant. The daughter of the informant somehow received injuries and taking advantage of this fact, the informant intentionally implicated the petitioner claiming him to be her husband. From the facts of the case it is apparent that no offence under Section 302 of the IPC is made out and utmost the case would come under the purview of Section 304 Part-II of the IPC. The investigation is complete and the police has submitted charge-sheet against the petitioner. The petitioner is in custody since 27.08.2020.

Learned APP opposes the prayer for bail submitting



that the rejection order mentions the fact that the informant was living with the petitioner has husband and wife for two years and baby was born out of their cohabitation. The witnesses in paragraph Nos. 8, 9, 22 and 23 of the case diary have supported the prosecution case.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioner, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

The learned trial court is directed to expedite the trial and conclude the same preferably within a period of one year.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

