

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24542 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- MAIRWAN District- Siwan

=====

Dhananjay Sahani S/O Khaki Sahani R/O Village Imlauli, P.O-Kabirpur, P.S.-
Mairwa, District Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary, Advocate.
For the Opposite Party/s	:	Mr. Nand Kishore Prasad, APP.
For the Informant	:	Mr. Shiv Sagar Sharma, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 26-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ajay Kumar Tiwary, learned counsel for the petitioner, Mr. Shiv Sagar Sharma, learned counsel for the informant and Mr. Nand Kishore Prasad, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Mairwa P. S. Case No. 126 of 2020 giving rise to Sessions Trial No. 167 of 2020 registered for the offences punishable under Sections 302, 201, 120(B) read with 34 of the Indian Penal Code.



As per the prosecution case, it is alleged that on 27.04.2020, this petitioner took away the son of the informant, namely, Vishal Sharma, aged about 24 years in order to attend nature call but after half an hour, *hulla* was raised by the villagers that Vishal Sharma was killed and his dead body was thrown in the field. On being heard the said *hulla*, the informant along with his wife and children reached there and identified the dead body of his son and injuries of sharp cutting weapon on the neck and other parts of body were found over the body of the deceased. The informant asserted that the petitioner along with his friends has committed the murder of his son and concealed his dead body.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the occurrence is said to have taken place on 27.04.2020 but the F.I.R. has been instituted at about 15:30 P.M. on 28.04.2020 and in fact, this F.I.R. has been instituted after due deliberation and only on suspicion, as there is no eye witness to the alleged occurrence. It is further submitted that the name of the petitioner has been implicated on account of land dispute with one Mahatam Chaudhary, who has hatched up a plan to implicate this petitioner in the present case. It is next submitted that though the alleged weapon used in the



crime was said to be recovered from the place where the dead body was found but surprisingly, at the time when the dead body was found the same was not found there and the same is said to have been recovered on the basis of the disclosure made by the petitioner. It is lastly submitted that this petitioner is in custody since 30.04.2020 and till date only one witness has been examined.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that on the disclosure made by the petitioner that the weapon used in the killing of the deceased has been recovered and he has confessed his complicity in the death of the deceased.

The learned APP for the State while opposing the bail application supports the prosecution case and submitted that during the course of investigation, ample material has come, which suggests the complicity of the petitioner in the present crime and other witnesses have also supported the prosecution case.

Having considered the submissions made on behalf of the parties and taking into account the nature of accusation as well as gravity of the offence, this court is not persuaded to enlarge the petitioner on bail for present.



Accordingly, the present application stands dismissed.

Further, it is expected that the learned trial court would conclude the trial within six months from the date of the receipt of the order, failing which the petitioner would be at liberty to renew his prayer for bail.

(Harish Kumar, J)

shakir/-

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

