

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36708 of 2022

Arising Out of PS. Case No.-279 Year-2021 Thana- SIDHWALIYA District- Gopalganj

Rajeev Kumar S/O Late Jainarayan Sah Resident of village- Bazar Khajuriya,
P.S.- Sidhwalia, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 20-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sidhwalia Town P.S. Case No. 279 of 2021 lodged under
Sections 302, 34 of the I.P.C.

As per the prosecution case, the informant(who is
petitioner in this case) has alleged that his marriage was
solemnized with one Babita Devi who had illicit relation with
wholesaler of Sabji Mandi one Ashlam Khan. It has been
alleged that on 22.08.2021, the said Ashlam Khan met with him
and threaten to kill his entire family. The informant has filed the
criminal case against 9 named accused persons that they all

connivance with each other reached at his house and killed his father and brutally assaulted his father by knife with this allegation, the F.I.R. has been lodged.

Learned counsel for the petitioner submits that petitioner has informant in this case but police under the influence of the said Ashlam Khan has made accused in this case in which charge sheet has been filed against him. He submits that the petitioner is in custody since 26.08.2021 and charge-sheet has already been filed and there is one criminal case pending against him. Learned counsel further submits that the police has collected the material in the investigation that he has committed offence with his wife by way of acid attack and F.I.R. of the same is also attached in the present case as Annexure-3 by which he submits that his wife herself narrated that the acid was thrown on her not by the petitioner rather by one Amarjit Shah and therefore he submits that the story collected by the Investigating Officer may not be accepted. He further submits that charge-sheet has already been submitted in this case but charge has yet to be framed. Learned counsel also submits that in the present F.I.R. final form has been submitted against all the named F.I.R. accused persons and charge sheet has been filed only against the present petitioner who is

informant in this case.

Learned counsel for the State opposes the prayer for bail and submits that during investigation, it has been revealed by the informant himself before the police, the manner in which he has committed the crime and the clothes on which the stain of blood are there, was also recovered from the confessional statement.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail 9 months after framing of charge and the Trial Court is directed to expedite the trial as early as possible.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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