

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.47780 of 2021**

Arising Out of PS. Case No.-30 Year-2021 Thana- BALRAMPUR District- Katihar

JAYCHAND SADA Son of Upendra Sada Resident of village - Ahuta, P.S.-  
Balrampur, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Md. Musowir, Advocate         |
| For the Informant        | : | Mr. Sanjeev Kumar Singh, Advocate |
| For the Opposite Party/s | : | Mr. Awadhesh Kumar Singh, A.P.P.  |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
ORAL ORDER

4      21-02-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks regular bail in connection with  
Balrampur P.S. Case No. 30 of 2021 instituted for the offences  
under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the  
petitioner is in custody since 02.03.2021, is a person with clean  
antecedent and charge-sheet has been submitted.

Learned counsel for the petitioner submits that the  
informant alleges that he is maternal uncle (Mama) of the  
deceased, further the mother-in-law of the deceased informed  
that her son-in-law died, accordingly, the dead body was  
brought to the house of the parents of the deceased and while  
preparing the body for the last rites it was noticed that it was



murder accordingly the police was informed and the body was taken for postmortem, further the wife of the deceased, on questioning, disclosed that she was in love with the petitioner, her brother-in-law (Jija) and they in connivance killed the deceased, it is further alleged that Govinda cousin of the wife of the deceased disclosed that he had seen them committing the occurrence.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, there was no relationship between the petitioner and the wife of the deceased, the entire allegation hinges on suspicion, and if Govinda had seen the occurrence then why the same was not disclosed at the earliest.

Learned counsel for the informant vehemently opposes the bail application and submits that from perusal of the allegation as alleged in the FIR it would manifest that even the informant and his family members were of the view that the deceased had died his natural death but it was during the course of preparing the body for performing the last rites that mark of injury was found on the body, thereafter the cousin of the wife of the deceased also disclosed the said fact to the informant saying that he was afraid to disclose the occurrence earlier.



Learned counsel further submits that it is an admitted position that the petitioner had gone to his Sasural and there he died but subsequently it came to the notice after postmortem also that it was not a natural death rather he was killed as in the case diary at para 37 of the case diary it has been recorded that death was due to the effect of manual strangulation as noticed above homicidal in manner. Learned counsel further submits that even the wife of the deceased on questioning may be on account of repentance disclosed the real fact.

Considering the submission of the learned counsel for the informant, the Court is not inclined to grant bail to the petitioner in connection with the aforesaid case pending in the Court of learned Additional Chief Judicial Magistrate-VI, Katihar.

Accordingly, prayer for bail is rejected.

**(Satyavrat Verma, J)**

Kundan/-

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