

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68247 of 2021

Arising Out of PS. Case No.-250 Year-2021 Thana- SHEKHPURA District- Sheikhpura

CHHOTE MISTRY @ CHHOTE LAL MISTRY Son of Shiv Mishtry
Resident of Village - Aanti, P.S.- Kadirganj, Distt.- Nawadah.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Syed. Rizwanul Haque

For the Opposite Party/s : Mr.Tapeshwar Sharma

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 26-07-2022 Learned counsel for the petitioner is directed to remove all
the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as learned
APP for the State.

The petitioner apprehends his arrest in connection with
Sheikhpura (Sirari O.P.) P.S. Case No. 250 of 2021, registered for the
offences punishable under Sections 341, 324, 307 of the Indian Penal
Code thereafter added on 14.06.2021 under Section 302 of the I.P.C.

As per allegation, the husband of the informant Pinki Devi
@ Veena Devi lodged fardbeyan stating therein that petitioner
Chhote Mistri had brought her in village Madari Sirari thereafter the
petitioner brought her on railway line and started pressing her neck.
He stabbed her in her stomach and made her injured and thereafter
fled therefrom. Later on, the informant Pinki Devi @ Veena Devi



died.

Learned counsel for the petitioner has submitted that petitioner is innocent and he has falsely been implicated. As a matter of fact, the deceased was engaged in exorcism and from where she sustained injuries it cannot be said.

On the other hand, learned counsel for the victim (son of the deceased) has submitted that the petitioner and the deceased were living in relationship and the deceased breathed her last soon after furnishing her dying declaration. Learned counsel has also submitted that paragraph-60 of the case diary contains the post mortem report and sharp cut wound was found on the person of the deceased. The statement of the deceased before her death was recorded in paragraph-8 of the case diary and para 19 of the case diary contains inquest report of the deceased. The investigation is still continuing.

Considering the above-mentioned facts and circumstances, I do not think it to be a fit case for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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