

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69636 of 2021

Arising Out of PS. Case No.-252 Year-2021 Thana- KISHANGANJ District- Kishanganj

Siraj Lal Sah Son of Veshaku Lal Sah @ Baishakhu Lal Sah @ Veshaku Sah
Resident of Village- Kumhar Toli Manjhia Ward No.34, P.S.- Kishanganj,
District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 20-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Kishanganj P.S. Case No. 252 of 2021 registered for the offence
under Section 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.05.2021.

The allegation against the petitioner is to commit
murder of the father of the informant by making an assault with
fight and fist causing grievous internal injuries due to draining
issues arises out of heavy rain.



Learned counsel appearing on behalf of the petitioner submitted that the death of the father of informant took place due to accident. It is further submitted that no physical injuries were noticed during postmortem of deceased, suggesting that deceased was not assaulted physically soon before the occurrence, as alleged through F.I.R. It is also pointed out that the cause of death is yet to be ascertained. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that there is specific allegations against this petitioner to cause fatal assault, as per the version of eye witnesses of the occurrence, as surfaced during the course of investigation, through para 9 and 10 of the case diary.

Considering the facts and circumstances as mentioned above, as the specific allegation of fatal assault is available against this petitioner, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.



The learned Trial Court is directed to conclude the trial, preferably, within a period of 06 (six) months from the date of receipt of the copy of this order, by taking this matter on board, on day-to-day basis, failing which petitioner may renew his prayer of bail, if so advised.

The Superintendent of Police, Kishanganj is directed to produce the charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

Let a copy of this order be communicated to SP Kishanganj for its immediate compliance.

(Chandra Shekhar Jha, J)

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