

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6295 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- GORAUL District- Vaishali

Sanjay Sah @ Sanjay Kumar Sah Son Of Nandlal Sah R/V- Korigaon, P.S.-
Goraul, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

: Mr. Roop Kishan, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

For the Informant : Ms. Devika Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Goraul
P.S. Case No.142 of 2022 registered for the offence under
Sections 341, 323, 324, 147, 149, 354, 302 and 504 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.08.2022.



The allegation against the petitioner is to commit murder of the husband of informant alongwith other co-accused persons/family members by causing head injury, where assault alleged to be made by iron rod, where occurrence arises out of land dispute.

Learned counsel appearing on behalf of the petitioner submitted that the alleged assault is single and without having any intervening circumstances and as such it can be said safely that petitioner was not under intention to cause death of the husband of informant. It is submitted that even during the course of occurrence several witnesses stated that this petitioner helped injured husband of informant to get appropriate medical treatment and hospitalization. It is pointed out that infact during the course of occurrence husband of informant received injury as he fell down to the ground. It is further submitted that even as per post-mortem report no external injury was found upon the deceased husband of the informant creating doubt over manner of assault. While concluding the argument, it is submitted that present F.I.R. was lodged with the delay of four days without having any just explanation, where petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted,



as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer for bail submitted that there is specific allegation against this petitioner to assault on the posterior part of the head of husband of informant causing his death. It is submitted that assault was of such magnitude that single assault was sufficient to cause death in the ordinary course of nature. It is also submitted that during the course of investigation witnesses in paragraph no. 44 of the case diary stated that there was bleeding from the fatal wound of the deceased, received during the occurrence therefore submission as advanced by learned counsel appearing on behalf of petitioner that no external injury was available, is not convincing on its face.

In view of the facts and circumstances as mentioned above, as there is specific allegation against this petitioner to cause death of husband of informant, where manner of assault appears in full corroboration with the injury report of the deceased as mentioned in his post-mortem report. Accordingly, 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 09 (nine) months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required, as petitioner is in custody since 26.08.2022. Failing which the petitioner shall be at liberty to renew his prayer for bail, if so advised.

(Chandra Shekhar Jha, J)

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