

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29153 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- VISHNUPAD District- Gaya

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PAPPU SAW @ PAPPU SAO SON OF DASHRATH SAW @ DASHRATH
SAO RESIDENT OF DANDI BAG , NEW COLONY , POST CHAND
CHAURA, P.S- VISHNUPAD, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 25-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offences punishable under Sections 302, 304(B) and 34
of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is in
custody since 14.02.2021 and is the husband of the
deceased.

Learned counsel submits that from perusal of the
allegation as alleged in the FIR it would manifest that the
informant alleges that he along with son had gone to the



house of the petitioner where his daughter (deceased) disclosed that she was assaulted by the accused persons including the petitioner causing internal injury, accordingly the informant took her to a hospital where she died during the course of treatment within two days.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that she was suffering from mouth cancer on account of which she died, it is also submitted that it absolutely does not stand to reason that if the deceased had disclosed about assault to the informant and her brother, that amply demonstrates that she was in a condition to talk but then neither the FIR was instituted by her nor Police came to the hospital for recording her fardbeyan it was only after the death of the victim that the present FIR came to be instituted, which cast aspersion with regard to the veracity of the allegation as alleged in the FIR.

On query of the Court with regard to the stage of the trial the learned counsel fairly submitted that trial has commenced and three witnesses have been examined.

Learned A.P.P. for the State vehemently opposes



the prayer for bail of the petitioner.

The Court for the present is not persuaded to release the petitioner on bail.

However, the petitioner would be at liberty to renew his prayer for bail. In the event, if the trial is not concluded within a period of nine months from the date receipt/production of the copy of this order.

(Satyavrat Verma, J)

GauravSinha/-

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