

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33479 of 2023

Arising Out of PS. Case No.-112 Year-2019 Thana- BATHNAHA District- Sitamarhi

JAINATH KUMAR SONOF MOHIT SINGH RESIDENT OF VILLAGE-
KOILI, PS- BATHANAHAN, DISTT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 31-08-2023 Heard Mr. Parwej Khan, learned counsel for the
petitioner and the State.

The petitioner is in judicial custody in connection with Sessions Trial No. 42 of 2023 arising out of Bathnaha P.S. Case No. 112 of 2019 for the offence punishable under Sections 147, 148, 323, 307, 380, 448, 504 and 506 of the Indian Penal Code later 302 was added lodged on 18.5.2019 by the informant, Thaga Mahto.

As per the prosecution story, the allegation is that when the informant's wife had gone to attend the nature's call and on return, she found the accused in her house. Upon asking why he has entered the home and tried to caught him, he fled away. Later, returned with other accused persons and the allegation is that he gave iron rod blow on the head of the wife



of the informant who was badly injured. Accordingly, the FIR.

Learned counsel for the petitioner submits that it is matter of case and counter case which has not been narrated in the present case. Even the petitioner's mother suffered injury and succumbed to the said injury. It is his further case that though the prosecution has alleged assault by this petitioner on the head, in his deposition as prosecution witness no. 4 he has narrated that he was not an eye-witness to the occurrence and has not actually seen actual who assaulted his wife. Further, he was unable to read the FIR, no one had narrated the contents of the FIR and simply put his signature.

It is submission of the learned counsel for the petitioner that other witnesses have also not supported the prosecution story.

Learned APP on the other hand submits that post-mortem report shows due to injury on the head she died. Further, a report vide letter no. 85 dated 30.6.2023 have been sent by the learned Trial Court, according to which, the witnesses are being examined and thus opposes the prayer stating that he was caught at the spot.

Learned counsel for the petitioner submits that according to the latest information, all the witnesses have been



examined and the case is presently at the stage of argument.

Taking into account the fact that now trial has almost reached at an advanced stage, though, the witnesses have not supported the prosecution story, it would be appropriate that the Trial Court finally conclude the same and pass an order within a month.

The bail application stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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