

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36097 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Samresh Sah S/O Late Swami Nath Sah R/O Village- Jafra, P.S- Siwan
Muffasil, Distt.- Siwan. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-07-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for bail in a case
instituted for the offence under Section 341, 323, 324, 307,
302, 504/34 of the Indian Penal Code.

3. As per allegation in the FIR, there was marriage
in informant's neighbour, so he forbade the petitioner not to
put brick stones in front of his house as the same will create
hurdle in passing the vehicles. Over this dispute, an scuffle
took place and informant got an information that someone
has inflicted knife blow to his son. Informant went to the
place of occurrence and found his son was lying on pool of
blood. Informant has full belief that petitioner has killed his
son.



4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to previous enmity. Though, at the instance of the petitioner, knife used in the crime, was recovered from nearby field but the seizure list witnesses are not examined. Petitioner has got clean antecedent and he is languishing in judicial custody since 15.02.2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that during investigation, self confessional statement of the petitioner was recorded in which he has confessed about stabbing the knife to the informant's son and his confessional statement is leading the recovery of knife used in the crime. Postmortem report also corroborates the prosecution story and doctor opined cause of death due to hemorrhage and shock due to injuries caused by sharp edged weapon.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



7. The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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