

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39093 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- BHELDI District- Saran

JAICHAND SAH Son of Late Ramdas Sah Resident of Village - Umaspur,
P.s.- Bheldi, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kr Singh No.1
For the Opposite Party/s	:	Mr.Sanjay Kumar, APP
For the Informant	:	Mr.Nalin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 24-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with S.Tr. No. 218/2022 arising out of Bheldi P.S. Case 415/2021, registered for the offence punishable under Sections 341, 323, 302/34 of the Indian Penal Code.

As per prosecution case, it is alleged that petitioner was pressing neck of the informant's husband by riding on the body and co-accused Ramkali Devi was pulling his hydrocele due to which the informant's husband died.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 24.01.2022 and



bears no criminal antecedent. He further submits that the date of occurrence is 22.12.2021 and FIR lodged on 24.12.2021 and there is no explanation for such delay.

The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submitted that there is specific allegation against the petitioner of riding on the body of the deceased and pressing the neck and re-statement of informant and statement of eye witness namely Bhadai Rai have supported and corroborated the same as mentioned in para 5 and 6 of the case diary.

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner and coupled with postmortem report and material available on record, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.

However, if trial is not concluded within nine months from the date of receipt / production of copy of this order, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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