

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48614 of 2022

Arising Out of PS. Case No.-236 Year-2014 Thana- LALGANJ District- Vaishali

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SANJAY PASWAN @ SANJAY SAH Son of Ram Ashish Sah Resident of
Village - Pojhiyan, P.S.- Lalganj, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anish Chandra, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection
with Lalganj PS case no. 236 of 2014 instituted for the
offences punishable under Sections 341, 323, 436, 504,
302/34 of the Indian Penal Code.

The case of the prosecution in brief, according
to the informant, is that on 17.09.2014 at about 4 in the
evening, the elder sister of the daughter-in-law of the
informant namely Sheetal Devi and her husband namely
Sanjay Paswan i.e. the petitioner herein had arrived at the
house of the informant, to sort out certain domestic disputes,
whereafter, they had started assaulting the daughter of the



informant namely Lalita Devi. It is further alleged that at the house of the mother-in-law of the informant namely Patia Devi, younger brother-in-law of the informant namely Sakindra Paswan, who is handicapped, was sitting on a cot, when the daughter of the informant namely Sabita Kumar saw that the petitioner had lit matchstick and had put the house on fire, resulting in the brother-in-law of the informant having got burnt, whereafter he died.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 03.07.2022. The learned counsel for the petitioner has further submitted that at the time of occurrence, no body was, in fact present at the place of occurrence and a false allegation has been levelled against the petitioner, only on account of the fact that since the informant and her family members used to torture the elder sister of the wife of the petitioner, the petitioner had made an effort to amicably settle the dispute but on the contrary, the petitioner has been falsely implicated in the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



I have heard the learned counsel for the parties and perused the materials available on record, from which, it is apparent that the daughter of the informant had seen the petitioner putting the house in question on fire, resulting in the handicapped brother-in-law of the informant having got burnt, resulting in his subsequent death. It is also apparent from the records that the present case was lodged in the year 2014, however, the petitioner had all along been absconding and has surrendered only on 03.07.2022, thus, he has got no regard for the process of law, which has also impeded the further progress of the case in question, hence, such behaviour of the petitioner is sufficient to deny the privilege of bail to him. This Court also finds from the impugned order dated 10.08.2022 that as per the post-mortem report, the deceased had sustained 100% burn injuries. Under the aforesaid circumstances, I am not inclined to grant the privilege of bail to the petitioner, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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