

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1641 of 2023**

Arising Out of PS. Case No.-806 Year-2022 Thana- TURKAULIYA District- East
Champaran

GAJADHAR SAH @ RAJADHAR SAH @ GADEHAR SHA S/O Late
Kapildeo Sah R/O Village- Chailahan Pakaria, P.S- Banjariya, District- East
Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER**

3 25-05-2023 Heard learned counsel for petitioner and learned
Additional Public Prosecutor.

Let the defect(s), if any, be removed within a period
of four weeks from today.

This application is filed for grant of regular bail in
connection with Turkauliya (Banjariya) P.S. Case No. 806 of
2022 registered under section 302 and 34 of the Indian Penal
Code, 1860.

The prosecution story in short is that the petitioner
was having illicit relationship with Sona Devi who was already
married to Kamlesh Gosai. For this reason Kamlesh Gosai
always used to quarrel with the petitioner. One night all the
three persons were engaged in quarreling with each other and



petitioner started to assault Kamlesh Gosai and had ultimately killed him.

It has been submitted by the learned counsel for the petitioner that petitioner is falsely been implicated and he is named only on suspicion. He further submits that from Post Mortem Report it appears that the deceased has died due to hanging.

The learned Additional Public Prosecutor has opposed the prayer for bail and have submitted that the witnesses have supported the allegation against the petitioner. He further submits that witnesses have said that the deceased had seen his wife in a compromising position with the petitioner and thereafter the petitioner and the wife of the deceased had killed the deceased.

I have gone through the case diary available on record. In the case diary, the witnesses have supported the prosecution case. They have said that on the date of occurrence, the petitioner had visited the deceased's house and was seen in a compromising position by the deceased upon which he has been killed by the petitioner and the co-accused who is none other but the wife of the deceased.

The Post Mortem Report says that ligature mark was



there on the neck of the petitioner along with the abrasion mark.
The opinion of the Doctor in these type of cases cannot be
conclusive as to whether the death was suicidal or homicidal.

Considering the facts of the case, I am not inclined to
grant bail to the petitioner. This application is dismissed.

The Court below is directed to expedite the trial.

(Sandeep Kumar, J)

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