

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10640 of 2023

Arising Out of PS. Case No.-64 Year-2022 Thana- PURNAHYA District- Sheohar

Surendra Sahani S/O Late Sital Sahni R/O Village- Piprahi, Punarwas, Bakhar
Chandiha, P.S- Purnahiya, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

7 01-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Purnahiya P.S. Case No. 64 of 2022 instituted for the offences
under Sections 302, 326, 307, 34 of the Indian Penal Code.

3. As per prosecution case, the allegation against the
accused persons including the present petitioner is of assaulting
the deceased/daughter of the Informant by knife due to which
she sustained grievous injury and died. It has also been alleged
that when his son-in-law came to protect her, they also gave
multiple knife blow to him and he also sustained grievous
injury.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



due to dirty village politics. He has further submitted that the petitioner is the father-in-law of the deceased and, on the alleged date and time of occurrence, he was not present at his house. He has further submitted that not a single independent witness has whispered any allegation against the petitioner. Even during investigation, no cogent evidence has come against the petitioner. The investigation has been completed and the charge has also been framed and only one witness has been examined in this case. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 06.08.2022.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that there is a direct allegation of assault against the petitioner. Several witnesses have supported the occurrence. The postmortem report and the viscera report also corroborates the prosecution case and, thus, the petitioner does not deserve bail.

6. Pursuant to the order of this Court, the court below has sent its report dated 24th of February, 2024 stating therein that only one charge-sheeted non-official witness Nunu Thakur has been examined, cross-examined and discharged and at



present, this case is in prosecution evidence stage and has prayed for twelve months more time to conclude the trial.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the nature of offence which is heinous and keeping in view the report sent by the court below, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of twelve months from today.

9. If the trial is not concluded within the aforesaid period of twelve months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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