

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28233 of 2024

Arising Out of PS. Case No.-764 Year-2021 Thana- FORBESGANJ District- Araria

Shrawan Singh @ Sarwan Kumar Singh @ Sarban Singh Son of Late Nand Lal Singh Resident of Village - Khawaspur, Ward No.13, P.S. - Forbesganj (Simraha), District - Araria (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-07-2024 Heard learned advocate appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks grant of bail in connection with Forbesganj (Simraha) P.S. Case No. 764 of 2021, giving rise to Sessions Trial No.87 of 2022 registered for the offence under Section 302 of 2024 of the Indian Penal Code.

3. Based upon the fardbeyan of the informant the prosecution alleges that the marriage of the sister of informant was solemnized with the petitioner about 12 years ago. The couple also blessed with two children, however, after few years the petitioner had developed an illicit relationship with another woman and when this relationship was opposed by the deceased



she was assaulted and done to death.

4. Learned advocate appearing on behalf of the petitioner contended that from the F.I.R. it is evident that the marriage was solemnized 12 years ago and there are two children out of the said wedlock. Any torture at this stage does not appear to be trustworthy. It is also contended that only a suspicion has been raised that because of the illicit relationship the deceased was done to death. There is contradiction in the statement of the witnesses and as such keeping the petitioner behind the bar for such a long period is not justified.

5. On the other hand, learned advocate for the State referring to the statement of witnesses has submitted that the petitioner was seen while he was dragging the dead body. It is also submitted that the post mortem report clearly suggests that the deceased was subjected to assault before causing death. The reason of death is said to be asphyxia as a result of antemortem strangulation.

6. Regard being had to the submissions made on behalf of the parties and considering the post-mortem report which suggests various external injuries over the body of the deceased and the death is suggestive of asphyxia on account of strangulation, coupled with the statement of the witnesses, this



Court is not persuaded to the prayer of the petitioner and as such the prayer for bail stands rejected.

7. Considering the fact that the petitioner has been incarcerated for a period of 3 years, it is expected that the learned trial court shall take all efforts to conclude the trial as early as possible, preferably within a period of six months. The petitioner is at liberty to renew his prayer for bail, if trial is not concluded within the stipulated period.

(Harish Kumar, J)

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