

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47164 of 2024

Arising Out of PS. Case No.-248 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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Jitan Sah Son of Ram Hari Sah Village- Husaini, P.S.- Dumariya Ghat, Distt.-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 28-10-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Sessions Trial No. 03 of 2024, arising out of Dumariyaghat P.S.
Case No. 248 of 2023, instituted for the offences punishable
under Sections 302, 201/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, sister of the
informant was married to the petitioner in 2005. The petitioner
and his family members used to torture her. On 06.09.2023
under a conspiracy, the sister and *bhanji* of the informant have
been made missing by the petitioner and his father.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Cognizance has been taken and Charge has already been framed in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is the husband of the deceased Basanti Devi and father of the deceased Kushi Kumari. It is further submitted that wife of the petitioner along with her daughter jumped in Ganga river and committed suicide. The petitioner is in custody since 08.09.2023 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that from perusal of para 4, 7, 14, 15, 16, 17 and 18 of the case diary it transpires that informant and other prosecution witnesses have supported the prosecution story. It is further submitted that there is specific allegation against the petitioner of murdering the sister and *bhanji* of the informant. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the nature of accusation against the petitioner and the gravity of the offence, this Court is not



inclined to grant bail to the petitioner.

7. The prayer is rejected. The Trial Court is directed to expedite the Trial expeditiously. However, if the Trial is not concluded within a period of one year from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

Rajorshi/-

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