

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58730 of 2024

Arising Out of PS. Case No.-388 Year-2023 Thana- RAJAOLI District- Nawada

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Jitendra Sharma @ Jitendra Mistry, aged about 36 years, Male, Son of Late Govind Mistry, R/V- Uper Tarh (Rajauli), P.S.- Rajauli, Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Sinha, Advocate

For the Opposite Party : Mr. Umanath Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Rajauli P.S. Case No. 388 of 2023 dated 20.07.2023 registered for the offence punishable under Sections 302/34 of the I.P.C. in which charge sheet has been submitted for the offence punishable under Section 306 of the I.P.C.

3. As per the prosecution case, on 19.07.2023, the petitioner and the other co-accused persons are alleged to have committed murder of the informant's daughter by administering poison.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that the petitioner is the husband of the deceased. There is no specific allegation against the petitioner. There is general and omnibus allegation against the petitioner. The informant is not an eye witness to the alleged occurrence. The real fact is that the petitioner was not present on the alleged date and time of occurrence as he is a carpenter and due to carpenter work he was out of station. It is further submitted that postmortem of the deceased was done and the doctor has opined that exact cause of death is not ascertain. So viscera has been kept in two jar/galan jar. The petitioner has no concern with the alleged offence but he made escape goat as he is the husband of the deceased. The Investigating Officer has given finding that the case is found true under Section 306 of the I.P.C. and also not found any involvement of other accused persons in the alleged occurrence. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 08.04.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the petitioner is the husband of the deceased and he committed murder of the deceased by administering poison with the help of other co-accused persons.



6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Rajauli P.S. Case No. 388 of 2023 pending in the court of learned Additional Chief Judicial Magistrate, Nawada.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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