

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38954 of 2014

Arising Out of PS.Case No. -28 Year- 2012 Thana -MAHILA PS District- JEHANABAD

=====

1. Madan Sao Son of Umesh Sao, Resident of Village - Pakharpur, Police Station - Arwal in the District - Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Indra Kr.Singh(APP)

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 02-04-2015

Heard learned counsel for the petitioner as well as

learned APP for the State.

Petitioner is the husband. Apart from having other kinds of allegations relating to torture in the background fulfilment of demand of Rs.1,00000/-, there happens to be specific allegation that the deceased while was at her Naiher, was taken away by the petitioner on 01.10.2012 and soon thereafter, she was murdered. After coming to know about the same, the prosecution party rushed to Sasural of the deceased where all the family members were absent. They began to search the dead body and during course thereof, on 06.10.2012 the dead body of the deceased, in a decomposed position, was found.

It has been submitted on behalf of petitioner that though petitioner happens to be the husband and on account thereof, some



sort of obligation happens to be over his shoulder. However, from own disclosure having been made by the informant that the deceased had divulged that demand was made by her father-in-law, mother-in-law, brother-in-law clearly suggest that neither demand was made by the petitioner nor there was any sort of allegation relating to torture at the hands of petitioner on that very pretext. So submitted that petitioner's complicity in the present case is not at all found substantiated, prima facie, at the end of prosecution. So submitted that petitioner is entitled for bail more particularly, in the background of the fact that petitioner, being husband, is under custody since 12.02.2014.

On the other hand, learned APP opposed the prayer for bail and submitted that being husband, petitioner is accountable for the whole misdeeds. There happens to be specific disclosure that he took away the deceased from her Naihar on 01.10.2012 and soon thereafter, she was done to death which was communicated on 02.10.2012 and that is itself sufficient to suggest the complicity of petitioner during course of occurrence, apart from other kinds of allegation having been exposed by the prosecution case.

Furthermore, it has been submitted that viscera was sent for FSL examination and as per para-121 of the case diary, THIMET, a pesticide has been found to be the cause of death.

Accordingly, prayer for bail is rejected. However, taking into account the period of detention, the learned lower court is directed to expedite the trial.

(Aditya Kumar Trivedi, J)

perwez

U		T	
---	--	---	--