

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43783 of 2014

Arising Out of PS.Case No. -171 Year- 2011 Thana -MITHANPURA District- MUZAFFARPUR

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Amarjit Kumar, Son of Anand Bihari Mallik, R/o Village-Bhawanipur,
P.S.-Singhwara, District-Darbhangha, presently residing at Tiwary Tola P.S.-
Mithanpura District-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate.

For the Opposite Party/s: Mrs. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 04-02-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner is facing prosecution for offence under Sections 302 and 201/34 of the Indian Penal Code and that there are materials to show that the theory of suicide, as being suggested by the learned counsel for the petitioner, becomes quite improbable on account of finding of the doctor conducting the post-mortem corroborating also the finding of the police officer conducting the inquest that the deceased was done to death way of throttling her neck as found from finger marks on her person. Thus for the present and at least for the purpose of bail there are materials to show that it was not a case of simple suicide, as is being suggested by learned counsel for the petitioner.

The remaining submission that the deceased had committed suicide because the petitioner was having earlier love affair with deceased girl and had refused to marry her at the last moment could have been held to be plausible defence only if the theory of suicide was an irresistible conclusion but when there are materials to show that she was actually killed, the presence of the petitioner around the home of the deceased at the time of occurrence can also be used against him.

That being so, this Court would not find the petitioner entitled for grant of bail at present. The prayer for bail of the petitioner is, accordingly, rejected.

The petitioner, however, may renew his prayer for bail after completing one and half years of his judicial custody initially before the trial court and on refusal before this Court.

Let a copy of this order be sent to trial court to ensure that the trial of the petitioner is concluded on or before 31.03.2016.

Sujit/-

(Mihir Kumar Jha, J)

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