

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16696 of 2017

Arising Out of PS.Case No. -213 Year- 2016 Thana -GARDANIBAGH District- PATNA

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Bhola Kumar @ Vikky S/o Lal Babu Ram, R/o village - Chechaul, P.S.
Naubatpur, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

4 20-06-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
25.09.2016 in connection with Gardanibagh P.S. Case No. 213
of 2016 pending in the Court of learned Sub-Judge-XIV-cum-
ACJM, Patna registered for the offence punishable under
Section 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that the deceased was married ten years back, but due to
some dispute, she used to live separately from her husband. It
is further alleged that the petitioner used to follow her and on
the pretext of marriage, he was living with the deceased in a



rented house claiming themselves to be husband and wife. It is further alleged that on 23.09.2016, informant got information that his sister has been murdered and on this information he along with his family members went to the place of occurrence and found his sister lying dead. On enquiry from the sons of the house owner, it transpired that petitioner took the house on rent claiming that the deceased was his wife.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. It is further submitted that there is no eye-witness to the alleged occurrence, although there were 20-21 persons living on rent in the aforesaid house and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the witnesses have supported the prosecution case and that the petitioner was living as husband and wife with the deceased and had taken the house on rent one month back. The landlord has also supported that the petitioner and the deceased had taken the house on rent claiming to be husband and wife, hence, opposes the prayer for bail.

Considering the facts and circumstances and the



materials on record, I am not inclined to grant the privilege of
bail to the petitioner. This application is, accordingly, rejected.

(Nilu Agrawal, J.)

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