

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39753 of 2017

Arising Out of PS.Case No. -30 Year- 2009 Thana -GURARU District- GAYA

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1. Bhutali Khalifa (Nut) @ Butali Khalifa Son of Chutari Nut Resident of
Village - Nadaul, P.S. Karauna, District - Patna. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Adv.

Mr. Rajendra Prasad Nat, Adv.

For the Opposite Party/s : Mr. Sri Harendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

5 24-11-2017 Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in connection with Guraru P.S.

Case No. 30 of 2009 for offences punishable under Section 302 of

the Indian Penal Code.

The prosecution case, as lodged by the informant, is

that his daughter, Rekha Devi was wife of the petitioner and living

in a rented house of one Sita Ram Prasad since two months. On

the date of occurrence, he was informed that his daughter has been

murdered by the petitioner, who has fled away. On arrival he saw

the dead body of his daughter which was brutally cut by means of

Khanti.

It has been submitted by the learned counsel for the

petitioner that he is innocent and because he is the husband, he has

been falsely implicated in the aforesaid case. It is submitted that



the allegation is baseless and there is no eye witness to the alleged occurrence and there is no allegation of torture or demand of dowry by the petitioner and he has been made accused only on the basis of suspicion.

However, learned APP for the State opposes the prayer for bail.

In this regard, a report has been called for from the court of learned Additional District Judge, Fast Track-I, Civil Court, Gaya in which report has been received by letter no. 102 dated 16.11.2017 stating therein that S.T. No. 186 of 2017 has commenced. Five witnesses have been examined and case in running for evidence of Doctor and I.O. only.

Considering the facts and circumstances and the materials on record as well as the report of the learned court below, I am not inclined to grant the privilege of bail to the petitioner at this stage. Accordingly, his prayer for bail stands rejected in connection with Guraru P.S. Case No. 30 of 2009, S.T. No. 186 of 2017 pending before F.T.C.-1st, Gaya.

However, the petitioner is at liberty to renew his prayer for bail after four months, if trial is not concluded by that time.

(Nilu Agrawal, J)

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