

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51493 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -DHANGAI District- BHOJPUR

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Ajay Kumar, Son of Sri Chandrika Singh, resident of Village- Kukarhatta
(Baitini Tola), P.S.- Kaurowa, District- Allahabad (U.P.).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh, Advocate.

For the Opposite Party : Mr. Shantanu Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 16.05.2016
in connection with Dhangai P.S. Case No. 23 of 2016 for the
offences instituted under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that the informant
recovered dead body of a lady lying inside orchard and also found
another dead body of a baby lying near her inside a bag.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 16.05.2016 and the charge sheet has
been submitted in the present case. There is no allegation of
tampering of the witnesses alleged against the petitioner. He has
falsely been implicated in the present case. There is no eye witness



to the alleged occurrence nor there is any substantive evidence to suggest his implication in the present case.

On behalf of the State, it has been submitted that in course of investigation, it has come that the petitioner (the husband of the deceased) has taken the deceased alongwith him after *Bidagari*. The deceased has died in the custody of the petitioner. The onus is on the petitioner to explain the cause of death of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Dhangai P.S. Case No. 23/2016, pending in the court of the learned J.M. Ist Class, Ara. Anyhow, the court below is directed to take all necessary steps to expedite the trial.

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(Sudhir Singh, J)

