

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6243 of 2018

Arising Out of PS.Case No. -432 Year- 2017 Thana -GAYA KOTWALI District- GAYA

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Dharmendra Kumar, son of Shiv Yadav, resident of Village- Hamzapur,
P.S. Sherghatti, District Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-03-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
06.10.2017 in connection with Gaya Kotwali P.S. Case No. 432 of
2017 for offences punishable under Sections 302, 380 and
120(B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was away at his work place and after coming home
he found his wife killed by means of Garasi which was found in
the bathroom in a bucket of water. He alleged that his step sister
Khusi Kumari along with her paramour who was later identified as



the petitioner had conspired and killed the informant's wife.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He submits that the confessional statement before the police has no evidentiary value in the eye of law and that he is in custody since more than five months.

However, learned counsel for the informant opposes the prayer for bail stating therein that the petitioner and co-accused Khusi Kumari have confessed the offence and both had planned the murder of the informant's wife and the petitioner is alleged to have held the deceased and co-accused Khusi Kumari had inflicted Garasi blow.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Gaya Kotwali P.S. Case No. 432 of 2017, pending in the court of learned Chief



Judicial Magistrate, Gaya

The application is, accordingly, rejected. However, the petitioner may renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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