

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35764 of 2019

Arising Out of PS. Case No.-1036 Year-2018 Thana- PHULWARISHARIF District- Patna

BHOLA SINGH @ DHARAMVEER SINGH Son of Hriday Singh At present
R/o Village- Harnichak, Mohani Tola, Mishra, Niwas gali, P.S.- Phulwarishrif,
District- Patna. Permanent Address of Village- Dahpur, Kharajama, P.S.-
Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiva Ranjan

For the Opposite Party/s : Dr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-07-2019 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Phulwarisharif P. S. Case No.
1036 of 2018 instituted for the offence under Section(s) 302 of the
Indian Penal Code.

Petitioner is husband of deceased.

It is alleged in the written report lodged by landlord of the
house that while he was closing the main gate in the night he
knocked the door of one of his tenant, namely Bhola Singh and
informed that he is closing the door but he got no response then he
informed his another tenant, namely Lal Mohan Kumar Choudhary.
It is further alleged that thereafter in presence of Mohan Kumar
Choudhary and his family members it was found that wife of Bhola
Singh is lying on the bed covered with quilt and her right hand was



outside the quilt and bleeding was taking place. On suspicion, they removed the quilt and found cut injury on her neck and also bleeding had taken place and she was lying dead. Thereafter, informant immediately gave information to her husband (petitioner) on mobile. The petitioner informed on mobile of one of the tenant namely Amit Kumar that he is coming from bus stand by tempo but, he did not arrive and also got switched off his mobile phone.

Case diary has been received in this case wherein postmortem report of deceased is available.

Learned APP after looking into the case diary submits that informant in his re-statement in para 6 of the case diary and witnesses in paragraph nos. 8,9 and 10 of the case diary have stated that dead body of the wife of this petitioner was found lying in the house covered with quilt. The information was given on mobile to this petitioner who told that he is coming by tempo but he did not come and got switched off his mobile phone. Thereafter the police arrived and took the dead body of the deceased.

Postmortem report shows that there was injury on left side of neck of the deceased and cause of death has been stated due to aforesaid injury caused by sharp edged weapon resulting from cut throat neck.

As per written report and statement of witnesses deceased was living with this petitioner in the house of informant as tenant and her dead body was found lying on the bed covered with quilt.



While the information was given to the petitioner about the occurrence he told that he is coming by tempo but he did not come and later on got switched off his mobile phone.

From the post mortem report it appears that murder of the deceased has been committed by causing cut injury on her neck by sharp edged weapon.

In such circumstances, strong suspicion has been created against the petitioner in not arriving at his house even after receiving the information by mobile about the occurrence and later on his mobile phone was also found switched off Therefore, this Court is not inclined to grant bail to the petitioner at this stage. The prayer for bail of the petitioner stands rejected.

Trial Court is directed to expedite the trial.

(Sanjay Priya, J)

shyambihari/-

U		T	
---	--	---	--

