

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8101 of 2020

Arising Out of PS. Case No.-221 Year-2019 Thana- RAFIGANJ District- Aurangabad

=====

Baijnath Chauhan S/o Late Suresh Chauhan @ Late Ram Swaroop Chauhan
R/o village- Abdulpur, P.S.- Rafiganj, District- Aurangabad (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Bhaskar Shankar, Adv.

For the State : Mr. Akhileshwar Dayal, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

5 22-06-2020 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State through video

conferencing.

Petitioner seeks bail in a case registered for the

offence punishable under Section 302/34 of the Indian Penal

Code.

Petitioner along with five others was made accused in

Rafiganj P.S. Case No. 221 of 2019 registered under Section

302/34 of the I.P.C. for committing the murder of his wife by

stabbing her. However, after investigation, police submitted



charge sheet against the petitioner whereas other FIR named accused were not sent up for trial.

Learned counsel appearing for the petitioner submits that admittedly, the informant is not an eye witness of the alleged occurrence and in course of investigation, not a single prosecution witness claimed to have seen the actual killing of the deceased. He further submits that as a matter of fact, deceased fell down from the roof and thereafter, she was immediately taken to hospital where she was found dead. He further submits that prosecution case is falsified by this fact that in postmortem examination, the injury of the deceased was found to be caused by hard and blunt substance.

On the other hand, learned Additional Public Prosecutor opposed the prayer submitting that petitioner is husband of the deceased and in course of investigation, the witnesses specifically stated that petitioner used to quarrel with the deceased and admittedly, the alleged occurrence took place inside the house of the petitioner.

Regard being had to the facts and circumstances of the case as well as submissions of the parties, I am not inclined to extend the privilege of bail to petitioner and accordingly, his prayer for bail stands rejected.



However, petitioner may renew his prayer for bail after nine months, if his trial is not concluded within the above stated period of nine months.

(Hemant Kumar Srivastava, J)

shahzad/-

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

