

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21849 of 2020

Arising Out of PS. Case No.-483 Year-2019 Thana- MAJHAULIA District- West Champaran

Bhola Mukhiya, son of Ramadhar Mukhiya, resident of villagde Majhariya
Sheikh Kachahari Tola, Police Station Majhauria, District Wdest Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Basistha Narayan Mishra

For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 26-08-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State, through
video conferencing.

The petitioner seeks regular bail in connection with
Majhauria Police Station Case No. 483 of 2019, registered for
the offence punishable under Section 302/34 of the Indian Penal
Code.

The allegation, as per the First Information Report, is
that the daughter of the informant was married with the
petitioner about 10 years back. It has further been alleged that
out of their wedlock, two daughters were born and this time
also, the deceased was pregnant, but the petitioner, along with
other family members, insisted the deceased to get the



pregnancy aborted, which was being denied by the deceased, due to which the petitioner, along with other family members of the petitioner, killed the daughter of the informant by pressing her neck.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to oblique motive inasmuch as the deceased had gone to the field and there she was found dead. He, referring to Annexure-3, submits that the informant has filed a petition before the learned Court below, stating therein that due to misconception of the fact, the present First Information Report has been lodged by him.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that there is allegation against the petitioner of killing the daughter of the informant by pressing her neck and in course of investigation, in paragraph 19 of the case diary, one of the eye-witnesses has categorically stated that the petitioner has killed his wife by pressing her neck due to the fact that the deceased was not agreeing to get her pregnancy aborted at the behest of the petitioner. He further submits that it would be evident from the post mortem report that there were bruises and other injuries on the neck of the deceased and the doctor has opined that the



death has taken place due to asphyxia as a result of above noted injuries on the neck of the deceased.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the post mortem report, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

