

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22973 of 2021

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

BHOLA MUKHIYA Son of Ramadhar Mukhiya Resident of Village -
Majhariya Sheikh Kachahari Tola, P.S.- Majhauria, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. B. N. Mishra

For the Opposite Party/s : Mr. Sakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-07-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
26.08.2020, passed in Criminal Misc. No. 21849 of 2020.

The allegation, as per the First Information Report, is
that the petitioner, along with other family members, killed the
daughter of the informant by pressing her neck. The petitioner is
the husband of the deceased.

Learned Counsel for the petitioner reiterates his submission, which was made earlier also that the informant has filed a petition before the learned Court below stating therein that the due to misconception of fact, the present First Information Report has been lodged.

This Court, while rejecting the earlier bail application of the petitioner, had taken into consideration the submission made by learned Additional Public Prosecutor, who, referring to paragraph 19 of the case diary, has submitted that one of the eye-witnesses had categorically stated that the petitioner had killed his wife by pressing her neck due to the fact that the deceased had not agreed to get her pregnancy aborted at the behest of the petitioner. The Court had also taken into *prima facie* consideration the post mortem report, from which it was evident that bruises and other injuries were there on the neck of the deceased.

Learned Counsel for the petitioner has not placed any subsequent development and/or any new fact for consideration of his bail application and has merely reiterated the earlier submission made before this Court.

In view of the fact that the bail application of the petitioner was rejected earlier on merit, this Court is not inclined

to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

It is expected that the learned Court below shall endeavor to conclude the trial as earlier as possible in accordance with law.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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