

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29925 of 2020

Arising Out of PS. Case No.-69 Year-2019 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Vishnukant Rai Son of Late Basudev Rai Resident of Village - Kursaha, P.S. -
Mohiuddinnagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Mr. Vijay Anand, Adv.
For the Opposite Party/s :		Ms. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed
by the petitioner in connection with Mohiuddinnagar P.S. Case
No.69 of 2019 registered under sections 201, 302, 34 and 363 of
the Indian Penal Code.

As per allegation in the FIR, it is stated by the
informant that his daughter was married to the petitioner 10
years back. They had three children. There had been dispute a
number of times between them which was settled. It is further
stated that he came to learn from the neighbours that the
accused persons including the petitioner herein had killed his
daughter and disposed of her body.



It is submitted by learned Senior counsel appearing for the petitioner that the allegation as leveled in the F.I.R. with respect to past dispute, are false and incorrect. It is further submitted that admittedly the marriage of the petitioner and the deceased took place more than 10 years back. The material that has transpired in course of investigation does not support the allegation against the petitioner. It is submitted that the deceased had consumed poison. Further in reference to the postmortem report it is submitted that the deceased has not been identified by any of the family members. The petitioner is in custody since 19.7.2019.

The application for bail is opposed by learned APP for the State who submits that the petitioner happens to be the husband of the deceased. As per postmortem report, the dead body of the deceased was found in a decomposed condition and parts of the body having been eaten by animals. It is further submitted that the cause of death is asphyxia due to throttling.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the material that has transpired in course of investigation and the cause of death as stated in the postmortem report which



is asphyxia due to throttling, this Court is not inclined to enlarge the petitioner on bail. The bail application is rejected.

The trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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