

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30980 of 2020**

Arising Out of PS. Case No.-12 Year-2019 Thana- SAHODARA District- West Champaran

DEEPAK KUMAR GUPTA @ DEEPAK GUPTA Son of Vinod Prasad Gupta
@ Vinod Prasad Resident of Village - Kamta Colony, P.S.- Sahodara, Distt -
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-04-2021 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioner and Umeshanand Pandit, Additional Public

Prosecutor for the State.

This is the second attempt for bail on behalf of
petitioner inasmuch as the bail application of the petitioner was
earlier rejected by a co-ordinate Bench of this Court *vide* Cr.
Misc. No. 70965/2019 on 18.12.2019.

Petitioner, being husband of the deceased, has
committed murder of his wife by pressing her neck. The
postmortem report shows that the cause of death was found to
be asphyxia due to suffocation and blockage of nose and mouth
by hand.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and during course of trial, all the witnesses, except the
informant, have been declared hostile. Learned counsel further



submits that petitioner is in custody since 10.03.2019.

On the other hand, learned counsel for the State submits that from the date of last rejection, no fresh development has taken place and the trial of the case is still in progress and there is a specific allegation against the petitioner that he has killed his wife by pressing her neck.

This Court *vide* order dated 22.02.2021 had called for a report regarding stage of trial from the learned lower court and pursuant to that order, learned Additional Sessions Judge-IV, Bettiah, West Champaran has submitted a report disclosing therein that out of nine charge-sheet witnesses, seven witnesses have been examined and cross-examined and two witnesses are yet to be examined including the doctor.

In view of the aforesaid fact, I am not inclined to grant regular bail to the petitioner at this stage. The same is, hereby, rejected.

The petitioner, if so advised, may renew his prayer for bail after six months from today if the trial does not show any progress.

(Anil Kumar Sinha, J)

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