

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31819 of 2020**

Arising Out of PS Case No.-69 Year-2019 Thana- AGION BAZAR District- Bhojpur

Raj Kishor Ram, aged about 26 years, Male, Son of Dilip Ram, Resident of Village- Taar, P.S.- Agion Bazar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar Sinha, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 22-01-2021

Heard Mr. Shashank Shekhar Sinha, learned counsel for the petitioner and Mr. Awadhesh Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The file before the Court is not supported by affidavit. However, learned counsel for the petitioner submitted that the same has been filed on 20th January, 2021. The Court Master informed that the same is not reflected on the portal of the High Court.

3. Be that as it may, let learned counsel for the petitioner verify the position and if required, re-file the main application



supported by affidavit through e-mode, latest by Monday (25.01.2021).

4. The petitioner is in custody in connection with Agion Bazar PS Case No.69 of 2019 dated 29.05.2019, instituted under Sections 304 (B)/201/34 of the Indian Penal Code.

5. The allegation against the petitioner is that he had killed his wife i.e., daughter of the informant and had hurriedly cremated the body without even waiting for the informant and his family members to come.

6. Learned counsel for the petitioner submitted that though he is the husband, but the deceased died due to natural causes as suddenly she had acute stomach ache and her family was informed, but they came after much delay due to which, on the advice of villagers, the body was cremated. Learned counsel submitted that the petitioner is in custody since 04.09.2019.

7. Learned APP, from the case diary, submitted that the petitioner was alone with the deceased in the matrimonial home and the whole story of him informing the family of the deceased and they coming after long delay is demolished by what has come during investigation, and even otherwise, even if it is accepted that the petitioner had informed the family members, it was only at about 5-5:30 PM on 28.05.2019 and in any case, within two hours



the family was there and thus not even waiting for two hours clearly indicates that there was foul play and the petitioner and his family members were hiding such fact and to destroy evidence, the body was cremated without informing even the authorities concerned, as was required under law, since death was not due to natural causes and the deceased was a young woman. It was submitted that numerous witnesses have supported the prosecution story which, is also reflected from the circumstances based on admitted facts.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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