

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36472 of 2020

Arising Out of PS. Case No.-304 Year-2018 Thana- BELAGANJ District- Gaya

Munna Kumar (Male), aged about 28 years, son of Rameshwar Yadav,
resident of village- Ghasibigha, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 10-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Manish Kumar No.2, learned counsel for the petitioner and Mr. Damodar Prasad Tiwary, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Sessions Trial No.227 of 2019/115 of 2019 arising out of Belaganj PS Case No.304 of 2018 dated 02.10.2018, instituted under Sections 304-B, 201/34 of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 04.12.2019 in Cr. Misc. No.45495 of 2019.

5. The allegation against the petitioner, along with



others, is of killing his wife who was sister of the informant and disposing off her body.

6. Learned counsel for the petitioner submitted that the allegation is false and there is no reason why the petitioner would kill his wife and she herself had consumed poison. It was submitted that the informant and other family members were informed and they came and took part in the cremation also, but later on they have filed this case with ulterior motive. Learned counsel further submitted that the informant himself has stated that he was informed of the death at 11.30 PM on 08.10.2018, but there is no explanation as to why the FIR has been lodged on 09.10.2018 at 3.00 PM. He submitted that the petitioner was in custody since 16.11.2018.

7. Learned APP submitted that the Court has recorded in the earlier rejection order that there is strong circumstantial evidence and the diary also indicated that the petitioner and his family members had not even bothered to inform either the police or the family members of the deceased and the dead body was disposed off behind their back. It was submitted that there was also no attempt by the petitioner, who was the husband, to take the deceased to any doctor for treatment if he was aware that she had consumed poison, which clearly indicates that he



had something to hide.

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

9. Accordingly, the application stands dismissed.

10. However, the Court below shall expedite the trial and conclude it at the earliest.

(Ahsanuddin Amanullah, J)

J. Alam/-

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