

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35001 of 2020

Arising Out of PS. Case No.-50 Year-2019 Thana- BADHAILA District- Rohtas

Kamlesh Kumar Son Of Bhola Singh Resident Of Village- Madhuban Tola,
P.S.- Baghaila, District- Rohtas At Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 31-08-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Baghaila P.S.
Case No. 50 of 2019 registered for the offence punishable under
Sections 302, 201, 120 (B)/34 and 498 (A) of the Indian Penal Code.

Allegation against the petitioner is that petitioner along with
his family members abused and killed sister of the informant. It is
also alleged that they killed one and a half year old daughter of her
sister and thrown away dead body of both into *kaw* river. It was
further stated that dead body of informant's niece (Bhanji) was
recovered at a bridge of village Isra and dead body of his sister was



not recovered.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that in the Viscera Report tagged as Flag “R” to this petition, it is mentioned that no metallic, alkaloidal, glycosidal, pesticidal or volatile poison could not be detected in the contents of all seven plastic jars which separately contained some portions of visceral organs. He further submits that bail application of the petitioner has already been rejected by the court below. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and he is languishing in custody since 06.10.2019.

Learned APP for the State vehemently opposing the bail petition submitted that petitioner is the husband of the deceased.

In the facts and circumstances of the case and considering the fact that petitioner is the husband of the deceased, I am not inclined to grant privilege of bail to the petitioner in connection with Baghaila P.S. Case No. 50 of 2019 to the satisfaction of Learned Additional Chief Judicial Magistrate, Rohtas at Sasaram.

Accordingly, prayer for bail of the petitioner is hereby rejected.

However, learned trial court is directed to conclude the trial within nine months from the receipt/production of copy of this order



and both the parties are directed to co-operate in the trial.

The S.P. of the concerned district is directed to produce the witnesses when the date is fixed by the learned trial court.

(Anjani Kumar Sharan, J)

GAURAV S./-

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