

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35822 of 2020

Arising Out of PS. Case No.-407 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

1. Nageshwar Ram, S/O Late Badri Ram.
 2. Ashok Ram, S/O Nageshwar Ram.
- Both are Resident of Village - Jahura, P.S. - Sahebganj, District – Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 21-05-2021 Heard Mr. Yashraj Bardhan, learned counsel for the petitioner No. 2 and Mr. Ram Priya Sharan Singh, learned APP for the State.

This Court had earlier called for the case-diary and the status of the case before the court below and had granted bail to petitioner no. 1/Nageshwar Ram. The case of the petitioner no. 2/Ashok Ram was kept pending for consideration after the receipt of the case-diary and the report about the status of the case.

The petitioner no. 2 seeks bail in connection with



Sahebganj P.S. Case No. 407 of 2020, dated 28.07.2020, instituted for the offences under Sections 302 and 201/34 of the Indian Penal Code.

Mr. Bardhan, learned counsel for the petitioner no. 2 has submitted that though he is the husband of the deceased but the reasons assigned for the killing of the deceased does not appear to be correct. There is an allegation that because of a parcel of land, which was standing in the name of the deceased, she has been killed.

The learned counsel for the petitioner no. 2 has submitted that she was married to petitioner no. 2 and, therefore, even if the land remained in her name, it would not have made any difference to the family so far as the possession of the land is concerned. Apart from this, it has been stated that there is a delay in the lodging of the F.I.R., even though the house of the informant is only about 12 Kms. away and that also is connected with a motorable road. There are four children born out of the wedlock of the deceased and the petitioner no. 2, but none of them have made any damaging statement regarding the conduct of the



petitioner no. 2.

No doubt, it has been urged that some of the inmates of the village of the informant have spoken against petitioner no. 2 but the informant himself, after having come to know the correct facts, approached the court below for compounding of the offence, which though was not permissible.

This fact has been brought to the notice of this Court only for the reason of driving home the point that there was no occasion for the petitioner no. 2 to have attempted and killed his wife.

It has further been argued on behalf of petitioner no. 2 that the informant had participated in the cremation but only because of wrong advise given to him, the instant case was lodged.

The petitioner no. 2 is in custody since 29.07.2020 and according to the information to the learned counsel for the petitioner no.2, only charges have been framed as yet.

It has further been submitted that there is no



possibility of the trial being concluded in near future because of the Courts not properly functioning in times of COVID-19 pandemic.

However, considering the nature of accusation against the petitioner no. 2, who is the husband of the deceased, I am not inclined to grant bail to him for the present.

The prayer for grant of bail is rejected.

However, if there is no substantial progress in the trial before the Court below within the next six months, to be counted from today, the petitioner no. 2 would be at liberty to approach this Court again for grant of bail.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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