

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38203 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- TERHAGACHH District- Kishanganj

MITHLESH JHA S/o Satyendra Jha @ Sailendar Jha R/o Village- Shisha
gachhi P.S.- Terhagachh, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Amar Nath Singh
Ram Prawesh Kumar, Advocates
For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Terhagachh P.S. Case no. 40 of 2020 registered under sections 302, 201 and 120B of the Indian Penal Code.

As per allegation in the first information report, a U.D. Case no. 2 of 2017 was registered on 1.10.2017 on the *fard-e-beyan* of the petitioner herein wherein he had stated that his wife had committed suicide by hanging herself. It is further stated that from the postmortem report it transpired that the cause of death was due to asphyxia as a result of smothering.

It is submitted by learned counsel for the petitioner



that immediately on the unfortunate death of the deceased, the petitioner who happens to be the husband of the deceased lodged U.D. Case no. 2 of 2017 wherein the postmortem examination was done on 1.10.2017 itself and the investigation continued. It was much belatedly on 10.5.2020, that the instant first information report has been registered based on the cause of death mentioned in the postmortem report dated 1.10.2017. It is further submitted that the mother of the deceased whose statement has been recorded in paragraph 40 of the case diary has admitted that her deceased daughter was not mentally sound. The petitioner is in custody since 23.6.2020.

The application for bail is opposed by learned Additional Public Prosecutor for the State who submits that besides the cause of death in postmortem report being due to asphyxia as a result of smothering, injuries by hard and blunt substance has also been found on the body of the deceased on her neck .

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the parties, specially in view of the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the same is rejected.



The learned court below is directed to expedite the
trial.

(Partha Sarthy, J)

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