

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1022 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- PALASI District- Araria

VIRENDRA KUMAR SAH @ BUDHNA, aged about 34 years, Gender- Male, Son of Rambabu Sah, Resident of Village:-Balua Kaliyaganj, P.S.:-Palasi, District:-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. T.N. Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 13-12-2021 Heard the learned counsel for the petitioner as well as the learned Addl. Public Prosecutor for the State, assisted by the learned counsel for the informant.

The petitioner apprehends his arrest in connection with Palasi P.S. Case No. 05/2020, registered for the offence punishable under section 365 of the Indian Penal Code.

The informant, Diwakar Kumar Shah is the brother of deceased Soni Devi. He lodged an FIR stating therein that the marriage of his sister was solemnized with the petitioner about three years ago. On the date of occurrence, in the evening, his sister went to market with the petitioner and from there she disappeared and could not be searched. In paragraph 21 of the case diary, it has been mentioned that the dead body of the



deceased was recovered from a pond.

The Learned counsel for the petitioner has submitted that the mental condition of the deceased was not stable and on the earlier occasion also, she had gone somewhere as has been mentioned in paragraph no. 7 of case diary, which contains the statement of witness Pradeep Shah.

On the other hand, the learned Addl. Public Prosecutor assisted by the learned counsel for the informant has submitted that the witnesses in paragraph nos. 7, 48, 49 and 50 of the case diary, have stated that the petitioner is alcoholic and he used to torture the deceased and these witnesses have expressed their suspicion that the petitioner has concealed the dead body of the deceased after killing her. The witnesses in the aforesaid paragraph of the case diary, have specifically stated that the petitioner used to torture the deceased and he is alcoholic.

The investigation is still going on and the emerging of further material, cannot be ruled out. As such, this is not a fit case for anticipatory bail at this stage.

Accordingly, the prayer for bail is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove,



failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey , J)

Gaurav Kumar/-

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