

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3485 of 2021**

Arising Out of PS. Case No.-195 Year-2020 Thana- GOVINDGANJ District- East
Champaran

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VIKAS MUKHIA @ VICKY MUKHIA Son of Bhulan Mukhia R/O of
village - Kohbarwa, P.S.- Govindganj, Dist.- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Laxmi Kant Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 08-07-2021 Heard learned counsel for the petitioner and Mr.

Laxmi Kant Sharma, learned APP for the State.

The petitioner in the present case is the husband of the
deceased, he is seeking regular bail in connection with
Govindganj P.S. Case No. 195 of 2020 registered for the
offences punishable under Sections 304(B)/34 of the Indian
Penal Code.

Learned counsel for the petitioner submit that on
perusals of the First Information Report, it will appear that the
informant is an illiterate lady, her thumb impression was taken
on a plain paper and it seems to have been converted in the First
Information Report. It is submitted that in case of an illiterate
lady a fardhbyan was required to be recorded by the police and
on than basis FIR should be registered.



Learned counsel further submits that immediately after the FIR, the matter has been compromised and both the parties have filed a compromise petition in the learned court below. This fact would appear in paragraph '3' of the impugned order. It is then submitted that the petitioner who is lying in custody since 11.06.2020 may be enlarged on bail.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. It is his submission that the death of the newly married lady has taken place within one year of the marriage. It is further submitted that the death has taken place within the matrimonial home where she was with her husband and the *post mortem* report of the victim shows oblique bruise 6 1/2" x 1" over upper part of the neck (move on left side) saliva trickling through left angle of mouth. The cause of her death is hanging-asphyxia.

Learned APP submits that a compromise entered into in a case under Section 304B IPC cannot be a factor for consideration of bail.

Having regard to the facts and circumstances of the case wherein the petitioner is said to be the husband of the deceased and the death has taken place due to the aforesaid reasons as appearing in paragraph '39' of the case diary, this



Court would not be inclined to enlarge the petitioner on bail at this stage.

Let the trial be expedited. Let the trial be concluded within a period of one year from the date of normal start of functioning of the court. In case the trial remains unconcluded within the aforesaid period for no reason attributable to the petitioner, the petitioner may renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

