

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 10416 of 2021**

Arising Out of PS. Case No.-276 Year-2017 Thana- MANSI District- Khagaria

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Kundan Sah, aged about 26 years, Male, Son of Shankar Sah @ Shib Sanker Sah, Resident of Balkunda, Baidrabad PS - Mansi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 11-08-2021

The matter has been heard via video conferencing.

2. Heard Dr. Kamal Deo Sharma, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Mansi PS Case No. 276 of 2017 dated 01.12.2017, instituted under Sections 302 and 201/34 of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment and order dated 11.12.2019 passed in Cr. Misc. No. 45484 of 2019.

5. Learned counsel for the petitioner submitted that he is in custody since 04.05.2019 i.e., for more than two years. On



merits, he reiterated that the deceased who was his wife died due to starvation and also lack of money for getting medical aid.

6. Learned APP submitted that in the earlier order of rejection, it has been noted that assistance was given to the Court from the case diary in which it had come that the petitioner had brought the deceased back from her father's house giving assurance that he would keep her properly and soon thereafter, she has been killed. It was further submitted that the Court had noted that the plea of dying due to starvation and lack of money for consulting doctor is totally unbelievable as there is a local primary health centre where treatment is given free of cost including medicines.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that nothing new has come for considering the matter afresh on merits.

8. Further, the plea of death due to starvation is also not tenable for the reason that the petitioner and his other family members have no symptoms or complain of any malnutrition and, thus, only his wife having the issue of malnutrition and that too, so severe that it would lead to her death, does not seem to be possible or believable. The fact that death of a young girl has occurred in



the house of the petitioner without the authorities being informed and even the explanation which is coming forth from the petitioner's side appears to be absolutely unbelievable, the Court finds no reason to allow the prayer for bail.

9. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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