

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6052 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- SULTANGANJ District- Bhagalpur

Amar Bind Son of Ramrati Bind Resident of Village- Asiyachak, P.S.-
Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bachan Jee Ojha, Advocate
For the State	:	Mr.Narsingh Tanti, APP
For the Informant	:	Mr. Ambarish Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-12-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Sultanganj P.S. Case No. 129 of 2021 registered
for the alleged offences under Sections 307, 302, 379, 120(B),
504 and 506 of the Indian Penal Code.

As per prosecution case, the sister of the informant
was killed by the petitioner and other co-accused persons. The
petitioner is the husband of the deceased.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. The perusal of the FIR shows four persons assaulted the deceased with different objects. However, the postmortem report shows fatal injury was caused on head and it was caused by hard and heavy blunt object. The allegation of using these objects is against Mamta Devi and Savojiya Devi. Later on, a protest petition was filed by the informant and in this petition he has alleged that Savojiya Devi hit on the head of the deceased with a *lodhi*. Learned counsel further submits that the deceased was earlier married with their elder brother of the petitioner and after his death she solemnized marriage with the petitioner and their relationship was cordial. No one kills his wife after such long time as the marriage was solemnized in year 2007 and there is a daughter out of this wedlock. The petitioner is in custody since 25.06.2021 and charge-sheet has been submitted. The petitioner has got no criminal history.

Learned APP as well as learned counsel for the informant oppose the submissions made on behalf of the petitioner. Learned counsel for the informant submits that due to domestic dispute, the petitioner assaulted the sister of the informant and it has come in the statement of the witnesses in paragraphs 49, 50, 73 and 74 of the case diary that it was the petitioner who assaulted his wife with *lodhi* (heavy stone object)



and these witnesses include the father of the petitioner. The witnesses have stated in unequivocal term it was the petitioner who caused death of his wife.

Perused the records.

Having regard to the facts and circumstances and rival submissions made on behalf of the parties and considering the allegation against this petitioner for causing death of his wife, I am not inclined to enlarge the petitioner on bail.

Hence, the prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of nine months. If the trial is not concluded within a period of nine months, then the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

Rajnish/-

U		T	
---	--	---	--

