

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6531 of 2022

Arising Out of PS. Case No.-39 Year-2020 Thana- BANGAWON District- Saharsa

Amit Kumar Mishra @ Amit Mishra Son Of Late Jagarnath Mishra R/O
Village And Post - Chainpur, P.S.- Bangaon, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra
For the Informant	:	Mr. Ashok Kumar
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 08-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Bangaon P.S. Case No. 39 of 2020, dated 13.06.2020,
registered for the offences punishable under Sections 302,
304(B) and 34 of the Indian Penal Code.

Prosecution case as emerges from the FIR is that
the accused-petitioner along with two other co-accused
persons had strangled the deceased causing her death on
account of non-fulfillment of demand of dowry.

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



this case. He further submits that the alleged victim has illicit relationship with her brother-in-law, on account of which she was scolded by the petitioner-husband and consequently, she committed suicide. He also submits that there are two children out of the wedlock of the petitioner and the alleged victim, which shows that there was good relationship between them.

The petitioner has been languishing in jail since 14.06.2020.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State as well as the learned counsel for the Informant vehemently oppose the prayer for bail submitting that the petitioner-husband has caused death of the victim by throttling her, which is supported by the post-mortem report. As per the post-mortem report, injury found on the body of the deceased



was ante-mortem and death had been found to be caused due to strangulation.

Considering the aforesaid facts and circumstances and the material collected during the course of investigation, I am not persuaded to enlarge the petitioner on bail.

The prayer for bail is accordingly rejected.

At this stage, learned counsel for the petitioner submits that charge-sheet in this case has been submitted and charge has already been framed and prays for speedy trial.

Ld. Trial Court is requested to ensure that there is no unnecessary delay in conclusion of the trial.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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