

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.17743 of 2021**

Arising Out of PS. Case No.-132 Year-2020 Thana- NAUBATPUR District- Patna

Sarwanand Kumar S/o- Surendra Prasad R/o Village- Bhergawan, Mathiya,  
P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr. A.G., APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN  
ORAL ORDER**

11    28-11-2022                      Let the defect(s), if any, be removed within two weeks  
from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks regular bail in connection with  
Naubatpur P.S. Case No. 132 of 2020, lodged under Section  
304(B) of the Indian Penal Code read with Section 3/4 of D.P.  
Act.

As per the prosecution case, the marriage of petitioner  
has been solemnized 2 years back. It has been alleged that on  
09.03.2020, the petitioner was present in the house of informant  
and caused death to the grand-daughter of the informant by  
wrapping towel around her neck and thereafter, he fled away.

Learned counsel for the petitioner submits that the

death was admittedly caused at the parents' house of the deceased itself and not at the house of the petitioner. Learned counsel submits that from the time inquest report, it appears that inquest has conducted at 8:00 whereas the time has been noted of lodging the F.I.R. is 8:30 and signature of informant which is present at both places creates doubt itself on the prosecution story.

Learned counsel further submits that petitioner is in custody since 09.03.2020 i.e. more than about 2 years, charge sheet has already been filed in this case and his antecedent is clean.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes prayer for bail and submits that the post-mortem report and inquest report both are supporting the information of F.I.R. as well as the manner in which the death has been caused. Learned counsel for the informant also submits that there is only one accused in this case. The case is of 2020 and presently 2022 has come but as per his knowledge, charge has not been framed till date. He also submits that if bail shall be granted to the petitioner, trial shall be further delayed.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected. But liberty is hereby granted to him that he may renew his prayer for bail 4 months after framing of charge and the Trial Court is directed to release him on bail if within 4 months after framing of charge, the trial shall not conclude.

With this observation, the bail application stands rejected.

**(Dr. Anshuman, J.)**

prakashmani/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|