

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13103 of 2022

Arising Out of PS. Case No.-156 Year-2020 Thana- SURYAGARHA District- Lakhisarai

Mukesh Saw S/o Kamo Saw R/o village- Ratanpur (Baray Tola), P.S.-
Surajgadha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-08-2022 Let the defect, 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
Suryagadha P.S. Case No. 156 of 2020 lodged under Sections
302, 34 of the Indian Penal Code.

In the F.I.R. the allegation against the petitioner is that
the petitioner has burned his wife.

Learned counsel for the petitioner submits that
petitioner is innocent. He also submits that the marriage
between the deceased and petitioner has taken place 20 years
back, from this marriage they have 3 children. He further
submits that there is not a single witness who has supported the

contention of the F.I.R., every material is based only and only on the suspicion. He further submits that the informant Champa Devi has filed a petition (which is Annexure-2 of the present application) by which she mentioned that without her knowledge her thumb impression has been taken on blank paper and she has not filed any case against the petitioner. Learned counsel for the petitioner further submits that the entire event is merely an accident, he has 3 children and his wife use to take care of all the 3 children and presently his all the 3 children now orphan and living their life without mother and father. He further submits that all the 3 children of the petitioner are school going and now petitioner is the only natural guardian left. He further submits that petitioner is in custody since 17.11.2021, chargesheet has already been filed. He is not assured that whether charge has been framed in this case or not. He further submits that petitioner is a man of clean antecedent, therefore, bail may be granted to him. Learned counsel for the petitioner also submits that some paragraph of the case diary indicates that with the help of other witnesses the petitioner entered in the room whether the deceased was found burned.

Learned counsel for the State opposes the prayer for bail and submits that the allegation of section 302 I.P.C. is

against the petitioner, his wife has been killed by burning. The postmortem report indicate that this burning is 100%. He also submits that, though, there is no direct evidence that this occurrence has been caused by the petitioner but place of occurrence is the house of the petitioner where deceased and their children used to live together, therefore, bail may not be granted.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present. The petitioner may renew his prayer after completion of 12 months of his custody.

The trial court is directed to frame the charge in between and complete the trial as expeditiously as possible.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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