

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40791 of 2021

Arising Out of PS. Case No.-143 Year-2019 Thana- DEHRI TOWN District- Rohtas

MOTILAL SAH Son of Chhathu Sah Resident of Village - Khuriya, P.S.-
Shivsagar, Distt.- Rohtas, Presently resident of Triloki Nagar, P.S.- Dehri
(Dalmiya Nagar), Distt.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuber Pathak
Mr.Dr. Anshuman
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-04-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Dehri (Dalmia Nagar) Police Station Case No. 143 of 2019,
registered for the offences punishable under Sections 302/120-
B/34 of the Indian Penal Code.

The allegation against the petitioner, as per the First
Information Report, is that due to illicit relationship with the
sister-in-law, the petitioner (husband of the informant's
daughter) killed the informant's daughter by pressing her neck
after twenty years of marriage.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and he has not



committed any offence in the manner alleged. He further submits that there is contradiction in the statement of the informant made in the First Information Report inasmuch as at the first instance, it has been alleged that the petitioner was having illicit relationship with his sister-in-law and subsequently it has been alleged that the petitioner wanted to marry with another girl, due to which he has committed the murder of the informant's daughter.

On the other hand, learned Additional Public Prosecutor, referring to the contents of the case diary, submits that from perusal of the First Information Report, it would be evident that the deceased was being tortured by the petitioner continuously due to the illicit relationship with his sister-in-law and subsequently the petitioner killed his wife by pressing her neck in order to perform marriage with another girl. He further submits that the informant, after coming to know about the occurrence, when arrived at the matrimonial home of her daughter, he found the dead body of her daughter lying in her matrimonial home having black mark on her neck and having external injury near her legs and the accused persons were found absconding. He further submits that the post mortem examination report corroborates the allegation made in the First



Information Report inasmuch as the doctor has opined the cause of death as asphyxia due to throttling.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is the husband of the deceased, allegation against him is corroborated by the post mortem examination report, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after nine months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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