

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41496 of 2021

Arising Out of PS. Case No.-159 Year-2020 Thana- SANHAULA District- Bhagalpur

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Prawesh Kumar @ Prawesh Kumar Yadav Son of Umesh Bharti @ Umesh
Yadav Resident of Village- Rasalpur, Mahiyama, P.S.- Sanhoulla, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Sanhoulla P.S. Case No. 159 of 2020 registered
for the alleged offences under Sections 304(B)/34 of the Indian
Penal Code.

Allegedly the petitioner strangled his wife, the
daughter of the informant at her parental home on account of his
demand of dowry.

Learned counsel for the petitioner submits that it was



love marriage between the petitioner and deceased so no question of demand of dowry arises. On the occasion of *Raksha bandhan*, deceased went to her parental home and she died there and this petitioner has no role in her death. In fact, the petitioner never visited the place during the relevant point of date and time. At the relevant time, the petitioner, who is a driver, was with his vehicle at Kahalgaon which could be ascertained from tower location of mobile phone but the same was not done by the Investigating Officer. Learned counsel further submits that the deceased might have committed suicide and the informant has tried to frame the petitioner and his family members. The petitioner reached at his sasural and attended the last rites on getting information from his mother-in-law. Learned counsel further submits that the petitioner is in custody since 17.01.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting the petitioner has been named in the FIR and there is specific allegation that he strangled his wife.

Perused the records.

On perusal of statement of witnesses recorded in paragraph 6 to 11 in case diary, it appears the witnesses have supported the prosecution case and further post-mortem report



shows antemortem ligature strangulation resulting in asphyxia.
In view of these facts, I am not inclined to enlarge the petitioner
on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

The trial court is directed to conclude the trial
expeditiously preferably within a period of nine months.

However, if the trial is not concluded within the
stipulated period, the petitioner is at liberty to renew his prayer
for bail.

(Arun Kumar Jha, J)

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