

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45838 of 2021

Arising Out of PS. Case No.-216 Year-2019 Thana- ATHMALGOLA District- Patna

PINTU SINGH S/o LATE SHIV KUMAR SINGH R/o VILLAGE-
THAMHAWAN, P.S-ATHMALGOLA, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Ajay Kumar Thakur
		Anil Kumar Singh, Advocates
For the Opposite Party/s	:	Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 304B, 201 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that while the members of her in-laws family were taking her sister for cremation, they were stopped and, thereafter, the dead body was brought to the Barh hospital. It is stated that as a result of not bearing a child the informant's sister was regularly beaten up and threatened that she would be killed. She was married to the petitioner in the year 2015. She was hung to death.

It is submitted by learned counsel appearing for the petitioner that the petitioner has been falsely implicated in the case only on account of being husband of the deceased. Learned counsel has taken the Court through the various paragraphs of the case diary



to submit that no case under section 304B of the Indian Penal Code is made out and as such chargesheet has been submitted under sections 302, 201 and 34 of the Indian Penal Code. Further even from the material that has transpired in course of investigation no case under section 302 of the Indian Penal Code is also made out and there is no eye witness to the occurrence. The sister of the deceased whose statement has been recorded in paragraph no. 23 of the case diary has categorically stated that the deceased was taken to the doctor, an information was given to her *naihar* and it was only after the relatives arriving that she was taken for cremation. The petitioner is in custody since 26.11.2019 and the case has been committed. The petitioner undertakes to cooperate in the trial.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the materials on record specially the contents of the postmortem report where the cause of death is stated to be strangulation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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