

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39631 of 2022

Arising Out of PS. Case No.-109 Year-2021 Thana- RAMGARH District- Kaimur (Bhabua)

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RAMESH KUMAR GUPTA S/O SRI RAMAKANT SAH Resident of
Village- Ramgarh, P.S.- Ramgarh, District- Kaimur, Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Ramgarh P.S. Case No. 109 of
2021 registered for the offences punishable under sections 302,
304(B)/34 of the Indian Penal Code.

As per the allegation the petitioner, who happens to be
the husband of the deceased, always tortured the victim for the
demand of a four wheeler vehicle and petitioner's family
members also involved in making the said demand and owing to
non-fulfillment of the said demand the accused persons
including the petitioner had tense relation with the victim and
finally they killed the victim and the dead body of the victim
was found in the house of the petitioner and it was believed by

the informant that the victim had been caused injuries by means of stone and other blunt objects as well as her neck was pressed by the accused persons.

The main submissions advanced by learned counsel Ms. Vaishnavi Singh appearing for the petitioner are that the alleged offence of 304(B) I.P.C is not made out in this case as admittedly the marriage of the deceased was solemnized more than seven years ago and there is no eye-witness of the alleged murder, in the FIR any motive on the part of this petitioner to commit the alleged occurrence has not been mentioned, two co-accused persons namely, Usha Devi and Ramakant Singh have been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 49775 of 2021 and the petitioner has been languishing in jail since 26.05.2021. Further submission is that after happening of the occurrence the petitioner's father immediately informed the police and the dead body of the victim was found in her room which was closed from inside.

Shri Ajay Kumar No. 2 learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides, perused the FIR of this case. Though the victim died after more than seven years from her marriage

but her death was unnatural and her dead body was found in the house of this petitioner, as per the FIR there was no good relation between the petitioner and the victim at the time of occurring alleged incident and the order of the learned court below goes to show that several lacerated wounds were found on the body of the deceased which show that the victim was murdered and it is an admitted position that the body of the victim was found in the house of the petitioner and the petitioner happens to be husband of the deceased.

Considering these facts in the opinion of this Court the petitioner does not deserves to the privilege of bail. Accordingly his prayer for bail stands rejected.

According to the learned counsel appearing for the petitioner the charges have been framed upon the petitioner, so in view of this fact, the trial court is directed to expedite the trial of the petitioner and take steps to conclude the same in the next one year, if the same is not concluded in the said period then the petitioner may renew his bail prayer. The petitioner may also renew his bail prayer after examination of all private witnesses.

(Shailendra Singh, J)

Hassan/maynaz/-

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