

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40094 of 2022

Arising Out of PS. Case No.-221 Year-2020 Thana- THARTHARI District- Nalanda

SHASHI BIND Son of Kishori Bnd @ Raj Kishore Bind Resident of Village -
Kenuapar, P.s.- Tharthari, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kr. Arya

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-10-2022 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 Tharthari P.S. Case No. 221 of
2020 registered for the offences punishable under sections 328,
304(B)/34 of the Indian Penal Code.

As per the allegation, accused persons including the
petitioner tortured the daughter of the informant for the demand
of money and ultimately killed the informant's daughter due to
non-fulfillment of their demand.

The main submissions advanced by learned counsel
Shri Mithilesh Kr. Arya, appearing for the petitioner are that
against the petitioner the allegation is general and omnibus and

any specific role of the petitioner in commission of alleged offence has not been revealed in the FIR and there is contradiction with regard to the cause of death of the deceased in the FIR and now a good relation has prevailed in between both the parties and they have filed a joint compromise petition before the court below and the petitioner himself surrendered before the court below on 03.07.2021 and since then he has been languishing in jail.

Shri Ajay Kumar Jha, learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR. The victim, who was wife of this petitioner, had been married to the petitioner just one year before the offence was committed, as per the informant the victim was tortured by the petitioner and his family members for the demand of rupees and finally she was allegedly killed by the accused persons including the petitioner and the informant found the victim in dead position in petitioner's house and she suspected that the victim was given poison by the accused persons which resulted in her death. The allegation appearing against the petitioner who happens to be husband of the deceased is serious in nature and the victim died just one year after her marriage in suspicious circumstances.

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

The court below is directed to expedite the trial of the petitioner and take steps to conclude the same as early as possible. If the trial of the petitioner is not concluded in the next one year then the petitioner may renew his prayer for bail. The petitioner may also renew his prayer for bail after examination of all the private witnesses of the prosecution.

(Shailendra Singh, J)

Hassan/maynaz/-

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