

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49429 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- MIRGANJ District- Gopalganj

SATISH CHAUHAN Son of Late Mahesh Chauhan Resident of Village -
Kaparpura, P.S.- Mirganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Mirganj P.S. Case No. 57 of 2021 instituted for the offences
under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 07.02.2021, is a person with clean
antecedent and charge-sheet has been submitted in this case

The informant alleges that her daughter Priti Devi was
married with the petitioner in the year, 2013 and was living
happily. Further on 16.02.2021, the informant received
information that petitioner has committed murder of her
daughter, accordingly, informant along with his son reached the



place of occurrence and found the dead body of her daughter lying near the hand pump and all accused had fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The FIR itself discloses that petitioner and the deceased were living happily. Further the marriage was more than seven years old and there was no complain in between the said period against the petitioner. The informant by way of afterthought has instituted the present case with general and omnibus allegation as he is not even an eyewitness to the occurrence.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that cause of death is asphyxia due to throttling and the dead body of the deceased was found inside the house. Prima facie, the presumption for the present is against the petitioner as the bail application is completely silent with respect to any defence.

Considering the fact that the petitioner is the husband of the deceased and the cause of death is asphyxia due to throttling, the Court for the present is not inclined to grant bail to the petitioner in connection with Mirganj P.S. Case No. 57 of 2021 pending in the Court of learned Additional Chief Judicial



Magistrate-VIII, Gopalganj.

Accordingly, prayer for bail is rejected.

(Satyavrat Verma, J)

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