

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43514 of 2022

Arising Out of PS. Case No.-217 Year-2022 Thana- SHASTRINAGAR District- Patna

Raja Upadhaya Son of Late Ramadhar Upadhya Resident of Sitaram Path,
P.S- Shastri Nagar, Dist- Patna, Permanent Address- village- karmawa, P.S-
Dhaka, Dist- East champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ravi Pandey Son of Shayam Sundar Pandey Resident of Birla Mandir Road,
Bhawar Pokhar, P.S- Pirbahore, Dist- patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sangeet Deokuliar, Advocate
For the State	:	Mr. Prem Kumar Jha, APP
For the Informant/s	:	Mr. Rajesh Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 28-11-2022 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 as well as

learned counsel for the informant and learned APP for the State.

Petitioner seeks regular bail in connection with ShastriNagar
P.S. Case No. 217 of 2022 registered for the offences punishable

under Sections 302, 120B/34 of the Indian Penal Code.

As per the prosecution, the informant's sister was

strangled to death by this petitioner and his family members.

The main submissions advanced by learned counsel Mr.

Sangeet Deokuliar, appearing for the petitioner are that in the

FIR there is no allegation of dowry demand and committing cruelty with the victim by this petitioner and other co-accused persons, in fact on the alleged date and time of occurrence the victim locked herself in a room in following with a family dispute and when she did not open the door of the room then the petitioner himself informed the parental family members of the deceased and there is no evidence in respect of the alleged illicit affair and the alleged offence of Section 302 of the Indian Penal Code is not made out and there is a child aged about three years from the wedlock between this petitioner and the deceased.

On the contrary, learned counsel Mr. Rajesh Ranjan, appearing for the informant and learned APP Mr. Prem Kumar Jha, appearing for the State have vehemently opposed the prayer for bail and submitted that the petitioner, who is the husband of the deceased, had love affair with an other woman which was always objected by the deceased and owing to that reason the deceased and this petitioner frequently quarreled and finally this petitioner along with his family members strangled the deceased to death.

Heard both the sides and perused the FIR, inquest report and the order impugned. The deceased died unnatural death within seven years of her marriage and as per the FIR there was

not a good relation between the petitioner and the deceased and according to the allegation the petitioner was having an illicit affair with an other woman which was the genesis of the occurrence of murder, in view of the nature of the allegation the petitioner appears to be the main accused of this case. Accordingly, in the opinion of this Court the petitioner does not deserve to the privilege of bail, hence his bail prayer stands rejected.

Petitioner may renew his bail prayer after six month, if any significant progress is not made in his trial.

(Shailendra Singh, J.)

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