

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57988 of 2021

Arising Out of PS. Case No.-8 Year-2019 Thana- SHIVSAGAR District- Rohtas

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Guddu Mushar Son of Musa Mushar Resident of Village - Mahuya Pokhar,
P.S.- Sheosagar (Baddi O.P.), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Binod Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 28-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ashok Kumar Pandey, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 538 of 2019, arising out of Sheosagar (Baddi) P.S. Case No. 8 of 2019, registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

The prosecution is based on written report of the informant alleging therein that on 10.01.2019 at about 07:00 am, the informant received information that his daughter was beaten to death by her husband (petitioner) and thrown her body by the



side of the road. On the aforesaid information, the informant informed the police, who recovered the dead body and the same was sent for postmortem.

Learned counsel appearing on behalf of the petitioner submitted that there is no eye-witness to the alleged occurrence nor any weapon has been found at the place of occurrence. He further submitted that only because he being the unfortunate husband, his name has been implicated in this case, though she might have been killed by another person on account of some other reasons, but name of the petitioner has been dragged on the instigation made by the person having vested interest. He also submitted that the petitioner having fair antecedent, is in custody since 07.03.2019.

On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation has been levelled against the petitioner that he being the husband of the deceased, committed murder of his wife.

On the last occasion a report with regard to the stage of trial was called for from the learned trial court and it appears from the report that the deposition of the witnesses, which have also been brought on the record through supplementary



affidavit, have already been recorded except Investigating Officer and the Doctor.

Having considered the submissions made on behalf of the parties and considering the specific nature of accusation and the fag end of the trial, this court is not persuaded to enlarge the petitioner on bail for present.

It is expected that the learned trial court will take all the necessary measures to conclude the trial as early as possible, preferably within a period of three months, failing which, the petitioner would be at liberty to renew his prayer for bail along with the present status.

Accordingly, the present application stands dismissed with the aforesaid liberty.

(Harish Kumar, J)

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