

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62999 of 2021

Arising Out of PS. Case No.-132 Year-2020 Thana- DIGHWARA District- Saran

Uday Rai, Son of Jay Ram Rai Resident of Village - Unahchak, P.S.
Dighwara, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh, Advocate

For the State : Mr.Ganesh Prasad Singh, APP

For the Informant : Mr. Radha Mohan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 24-08-2022 As prayed, learned counsel for the petitioner is permitted to make necessary correction in para nos. 26, 27, 28 and 29 of the bail petition in course of the day.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Dighwara P.S. Case No. 132 of 2020, registered for the alleged offences under Sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant was married with the petitioner about 11 years ago and it was an inter religious marriage. Two sons and a daughter



have been born out of that wedlock. Subsequently, the daughter of the informant was killed by the petitioner and other co-accused persons and her dead body was concealed in *Diara*.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to enmity as the informant earlier lodged a case for kidnapping of his daughter and in that case, the petitioner was acquitted. Finding an opportunity due to death of her daughter which was by natural cause, the informant filed the present case falsely implicating the petitioner and his all family members. The marriage was solemnized in the year 2006 and it is not believable that after so many years and birth of three children, the petitioner or any of his family members would kill the daughter of the informant. The petitioner had very cordial relationship with the deceased and he even started living separately from his parental family. The learned counsel further submits that the wife of the petitioner died due to Diarrhea and in presence of several villagers, the dead body was cremated at the bank of river near the village and the informant was knowing that the death was due to illness. The informant demanded money from this petitioner and on his refusal, filed this false case. The learned counsel further submits that the petitioner is in custody since 14.09.2020 and the charge sheet has been submitted in this case.



Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail made on behalf of the petitioner submitting that there is specific allegation against the petitioner for killing his wife and the same gets supported by the post mortem report which shows death was due to asphyxia resulting by throttling. The other witnesses in the case diary have also supported the prosecution case against the petitioner.

Perused the record.

Having regard to the facts and circumstances of the case and considering the submissions made on behalf of the parties and further considering the specific allegation against the petitioner which is corroborated by the post mortem report that death was due to asphyxia caused by throttling, I am not inclined to enlarge the petitioner on bail.

Accordingly, his prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same expeditiously preferably within a period of nine months.

(Arun Kumar Jha, J)

V.K.Pandey/-

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