

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63500 of 2021**

Arising Out of PS. Case No.-97 Year-2021 Thana- SANOKHAR District- Bhagalpur

Punita Devi, Wife of Shri Viveka Yadav, Resident of Village- Arar, P.S.-
Sanokhar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A.K. Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Opposite Party	:	Mr. Jitendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Sanokhar P.S. Case No. 97 of 2021 registered for the alleged offences under Sections 304B and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons used to demand of Scorpio vehicle in dowry from the niece of the informant who was the daughter-in-law of the petitioner. Subsequently, the niece of the informant was



killed by the petitioner and other co-accused persons on non-fulfillment of their demand. Further allegation against co-accused Viveka Yadav is that he committed rape with the niece of the informant and hanged her.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation against this petitioner regarding any demand from her or torture by her. It is also apparent that the informant was immediately given information regarding death of his niece and they saw the dead body lying there in the matrimonial home. Learned counsel further submits that even during investigation nothing came out against this petitioner. The petitioner is in custody since 04.07.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the post-mortem report shows injury on the neck of the deceased and a ligature mark found around neck present horizontally at the level of thyroid cartilage and was completely encircling the neck. The cause of death has been stated to be asphyxia and shock due to ante-mortem strangulation by ligature. Further, medical report shows sexual intercourse could not be denied as there was a recent ante-mortem tear present



inside the vagina of the deceased.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that there is specific allegation against the petitioner and the co-accused for causing death of the niece of the informant, I am not inclined to grant bail to the petitioner. Hence, her prayer for bail is rejected.

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

(Arun Kumar Jha, J)

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