

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8556 of 2023

Arising Out of PS. Case No.-4 Year-2021 Thana- DANIYAWAN District- Patna

Mrityunjay Kumar @ Sonu Kumar Son of Late Janardan Prasad R/o Village-
Erai, P.S.- Daniyawar, District- Patna. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajendra Prasad, Sr. Adv.
:	Mr. Pramod Kumar, Adv.
:	Mr. Ritesh Kumar, Adv.
:	Mr. Dharendra Kumar, Adv.
For the Opposite Party/s :	Mr. Amitesh Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-05-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Daniyawar P.S. Case No. 4 of 2021, dated 03.01.2021 lodged
under Sections 304(B)/34 of the Indian Penal Code.

As per prosecution case, the allegation of murder of
the victim was made against the petitioner and his family
members.

Learned counsel for the petitioner submits that
antecedent of petitioner is clean. He further submits that
petitioner is in custody since 03.01.2021. He also submits that
petitioner is husband and two accused persons who is sister and
mother of the petitioner have been granted bail by the Co-



ordinate Bench of this Court vide order dated 08.12.2022 passed in Cr. Misc. Nos. 48473 of 2022 & 48498 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that it is a case under Section 304(B)/ 34 of the Indian Penal Code and petitioner is a husband.

Learned counsel for the State vehemently opposes the prayer for bail and submits that petitioner being the husband is fully responsible for the death of victim. He also submits that since petitioner is a husband, therefore, presumption has been casted under Section 304(B) of the Indian Penal Code against the petitioner to show his innocence.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present.

The trial court is directed to expedite the trial within 9 months.

With this observation, the present bail application stands rejected.

(Dr. Anshuman, J.)

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