

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10355 of 2023

Arising Out of PS. Case No.-50 Year-2019 Thana- Vijayapur District- Gopalganj

Manoj Kushwaha, S/o Late Nagina Bhagat @ Nagina Kushwaha, R/o Village-
Sudamachak, P.S.- Vijaypur, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anand Vardhan, Advocate
		Mr. Vikram Anurag, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-04-2023 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 302 and 201 of the Indian Penal Code.

The earlier application for bail of the petitioner was rejected vide order dated 6.12.2021 (Annexure-1) passed in Cr. Misc. no.416 of 2020.

As per the prosecution case, the petitioner who happens to be the husband of the deceased is said to have murdered his wife and made an attempt to dispose of her dead body.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case only for the reason of his being the husband of the deceased. There is no eye witness to the occurrence. The marriage between the petitioner and the deceased took place 17 years ago. Although the dead body is said to have been recovered from the tank, however, the cause of death is stated to be asphyxia due to hanging. The petitioner is in custody for more than 4 years since 26.3.2019, has no criminal antecedent and undertakes to cooperate in the trial.

The application for bail is opposed by learned A.P.P for the State.

A report was called for from the learned trial Court. As per the report received contained in letter no.26 dated 11.4.2023, three prosecution witnesses have been examined.

As this stage, learned counsel for the petitioner submits that there are four charge-sheet witnesses.

Having heard learned counsel for the parties and taking into consideration that there is no eye witness to alleged occurrence, the trial in the learned Court below has commenced after conclusion of the investigation and the petitioner has remained in custody for over 4 years since 26.3.2019, the petitioner is directed to be enlarged on bail in connection with



Vijayepur P.S. Case no.50 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I, Gopalganj.

(Partha Sarthy, J)

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