

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23622 of 2022**

Arising Out of PS. Case No.-374 Year-2019 Thana- BAIRIYA District- West Champaran

Vinay Kumar Sah @ Vinay Sah Son of Harendra Sah R/O Village-
Tadhwanandpur Lakhani Bazar Turha Tola, P.S.- Bairiya, District- West
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 12-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant who was married to the petitioner herein was tortured, abused and assaulted. She was ultimately done to death.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only on account of the fact that he happens to be the husband of the deceased. In support of his contention learned counsel submits that the examination of prosecution witness has commenced in the learned trial Court and P.W.1 Lalpari Devi who happens to



be the mother of the deceased has not supported the prosecution case.

Learned counsel produces certified copy of the deposition of the said witness and the same is taken on record.

It is further submitted that in view of the above deposition there is no chance of the petitioner being convicted. The petitioner is in custody since 13.8.2021 and undertakes to cooperate in the trial and to abide by all the conditions which may be laid down for his release.

The application for bail is opposed by learned A.P.P. for the State who submits that the cause of death in the postmortem report is stated to be asphyxia due to strangulation.

Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR specially the cause of death in the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial and to conclude the same preferably within a period of six months.

(Partha Sarthy, J)

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