

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35157 of 2023

Arising Out of PS. Case No.-606 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

UDAY KUMAR Son of Jyot Narayan Bhagat Resident of Village - Dhekaha,
Mahuwawa Tola, Police Station - Muffasil, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 01-09-2023 Heard Mr. Anil Kumar, learned counsel appearing on

behalf of the petitioner and Ms. Meena Singh, learned

Additional Public Prosecutor for the State.

2. Application for grant of bail to the petitioner, who
is in judicial custody, in connection with Sessions Trial No. 328
of 2022 arising out of Motihari Moffasil P.S. Case No. 606 of
2021, registered for the offences punishable under Sections
304(B)/34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. This is the second attempt made on behalf of the
petitioner for grant of bail as earlier his prayer for grant of bail
was rejected *vide* order dated 27.09.2022 in Cr. Misc. No. 35619
of 2022, after taking into consideration the fact that the



deceased was shot dead by the petitioner within six months of her marriage and moreover the country-made pistol which was used for committing the murder that has been recovered from the bed of the petitioner.

4. Submission has been made on behalf of the petitioner that on the alleged date of occurrence one unknown person was present in the room along with the deceased and some altercation took place whereafter the unknown person committed murder and thereafter he succeeded in fleeing away and when the petitioner entered in the room, he saw his wife under pool of blood. He next submitted that the petitioner has been in custody since 19.11.2021 and there is no likelihood of conclusion of the trial.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the specific nature of accusation and seriousness of the crime is writ large from the materials available on record, the petitioner does not deserve any sympathy.

6. Having considered the submissions made on behalf of the parties and taking into consideration the materials available on record, including the specific nature of accusation, and the fact that there is no cogent overwhelming



circumstances, requires fresh consideration, the prayer for bail of the petitioner stands rejected.

7. It is expected that the learned Trial Court will take all endeavours to expedite the trial and conclude the same as early as possible.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

