

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37139 of 2023

Arising Out of PS. Case No.-319 Year-2021 Thana- HARNAUT District- Nalanda

NITISH KUMAR S/O LUTAN YADAV R/O Village- Sati Asthan, P.S-
Harnaut, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 04-12-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Harnaut (Gokhulpur) P.S. Case No. 319 of 2021 instituted for the offence under Sections 304(B)/201/34 of the Indian Penal Code.

3. As per allegation in the FIR, the informant alleged that her daughter was married with the petitioner in year of 2016 and thereafter, the petitioner along with his family members subjected her to cruelty due to non-fulfillment of dowry demand. Ultimately, on 26.7.2021 the informant came to that her daughter was killed and her dead body was vanished with intention to wipe out the evidence.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and committed no offence. The petitioner is husband of the deceased due to which he has falsely been implicated in this case. There is no prior complaint against the petitioner regarding cruelty or misbehaving the deceased. It is also submitted that the charge has already been framed against the petitioner. The petitioner has got no criminal antecedent and languishing in judicial custody since 26.8.2022.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that the death of the informant's daughter was caused within seven year of her marriage. The petitioner is husband of the deceased upon whom the full responsibility to keep his wife well. From perusal of inquest report, the dead body was found in the agricultural land of the petitioner. She was committed murder in gruesome manner after twisted her neck and nose. Postmortem report annexed with the case diary, corroborates the prosecution case in which cause of death is opined due to spinal cord injury and hemorrhage shock caused by sharp pointed weapon. It is further submitted the witnesses of this case have also supported the prosecution.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not



inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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