

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36755 of 2023

Arising Out of PS. Case No.-109 Year-2021 Thana- AMDABAD District- Katihar

PINKU MAHALDAR Son of Sitaram Mahaldar @ Sitaram Singh Resident of
village - Dakra, P.S. - Amdabad, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with S.T.
No. 2358 of 2021 arising out of Amdabad P.S. Case No. 109 of
2021 dated 29.05.2021 registered for the offence under
Sections 302/34 of the Indian Penal Code.

The petitioner, who happens to be husband of the
deceased, is said to have killed the sister of the informant by
pressing her neck after assaulting her.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case merely on the ground that he happens
to be husband of the deceased. He further submits that the



allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that there is no eye witness to the alleged occurrence. He further submits that the son of petitioner on whose instance the informant is informed that his mother has been killed by the petitioner has declared hostile before the trial court. The petitioner is rotting in judicial custody since 30.05.2021.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has committed murder of his wife by pressing her neck. He further submits that several witnesses have supported the prosecution version and their statements have been recorded in paragraph Nos. 6, 7, 8, 9, 35, 36, 37 and 38 of the case diary. He further submits that according to postmortem report, the cause of death of the deceased was opined to be Asphyxia as result of hanging.

A report with regard to present stage of the trial has been called for by this Court vide order dated 03.08.2023 which has been received and forms part of this application at Flag-C. On perusal thereof, it would reveal that



the five prosecution witnesses have been examined and rest of the witnesses i.e. doctor and I.O. are yet to be examined for that purpose the case is fixed on 29.08.2023.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 30.05.2021 i.e. more than two years.

Considering the facts and circumstances of the case and the rival submission of the parties and the substantial progress of the trial, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

However, learned trial court is directed to expedite the trial and try to conclude it at the earliest.

(Rajesh Kumar Verma, J)

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