

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42999 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

DEEPAK KUMAR Son of Ashok Sweeper Resident of Mohalla- Vikramshila Colony, P.S- Tilkamanjhi, Dist- Bhagalpur. At present resident of Mohalla- Near Hanuman Mandir Hawai Adda Nilkanth Nagar, P.S- Ishakchak, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 15-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Ishachak P.S. Case No. 95 of 2022, registered for the offences punishable under Section 302 of the Indian Penal Code.

The prosecution case as emerging from the FIR is that the marriage of the informant's sister, namely, Nandani Kumari was solemnized with the petitioner according to Hindu rites and customs in the year 2010. After some times, the husband started torturing her for non-fulfillment of illegal demand of dowry and ultimately he killed her.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that two minor children of the deceased has given statement against the accused-petitioner, which has no value in the eye of law because both of them are minor and they have no sufficient maturity to understand the situation. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 23.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature and the victim has been strangled to death and as per the post-mortem



report and FIR the accused-petitioner has confessed his guilt before the police and surrendered himself and he has never lodged any FIR in regard to death of his wife.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioner on bail.

This application stands rejected accordingly.

However, Ld. Trial Court is directed to expedite the trial.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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