

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43762 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- BABUBARHI District- Madhubani

Arti Kumari Thakur, D/O Raj Kumar Thakur @ Ram Kumar Thakur, W/O
Chandu Thakur, R/o Village- Barail, P.S.- Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ugranath Mallick, Advocate
		Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 01-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Babubarhi P.S. Case No. 21 of 2022 registered
for the alleged offences under Section 302 of the Indian Penal
Code.

As per prosecution case, the sister of the informant
was married with one Chandu Kumar Thakur and out of this
wedlock there was a son and a daughter. Due to some dispute
sister of the informant has been residing at her parental home
and the brother-in-law of the informant solemnized marriage



with the petitioner. The nephew of the informant has been living with his father and step mother. On the date of occurrence, the informant came to know that the petitioner strangled his nephew to death.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It is apparent from the F.I.R. that the brother-in-law of the informant was not at his place and his son has been under the custody of his grand parents. There is nothing against the petitioner except suspicion and there is no eye witness to the alleged occurrence. The witnesses are from the village of the informant. No finger print were taken from the neck of the deceased child. Charge sheet has been submitted in this case and the petitioner is in custody since 30.01.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that even the grandfather of the deceased child has named the petitioner, who strangled the child. Post mortem report also shows death was due to asphyxia caused by strangulation. The petitioner was with the child and it is not probable that there will be any eye witness.

Having regard to the facts and circumstances and considering the statement of the parties and further considering



the direct and specific nature of allegation against the petitioner which is quite grave and serious, I am not inclined to enlarge the petitioner on bail at this stage. Hence, his prayer for bail is rejected.

Learned trial court is directed to expedite the trial and conclude the same within a year.

(Arun Kumar Jha, J)

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