

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60603 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- KOILWAR District- Bhojpur

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Avinash Singh @ Jaieky Son Of Late Bhupendra Singh Resident of Village-
Gidha, Police Station- Gidha, O.P.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B)/34 of the Indian
Penal Code.

According to prosecution case, the informant claimed
that her daughter has been killed by the accused persons
including the petitioner due to non-fulfillment of demand of
dowry by administering poison, assaulting and strangulating
neck.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is the husband of the deceased and the allegation as



alleged in the F.I.R. is false and fabricate and no such occurrence took place.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available on the record and case diary submits that the postmortem report of the victim fully support the allegation as alleged in the F.I.R. and it has found following anti-mortem injuries :-

“Legature mark 1.1 cm. In middle situated on upper part of neck, it is alleged had high up towards back of neck left side which it is discontinued. The ligature mark also did and confused at place.

Abrasion – 3 cm x 1/2 cm present on back of right leg 10 cm above right ankle

Bruise – 1) 12 cm x 6 cm on fronto lateral part left arm in upper part

2) 3 cm x 2 cm on lateral part of left waist

3) 2 cm x 1 cm on lower part of right neck

4) 3 cm x 1 cm on back of right arm”

It appears from the ante-mortem injury report that the victim was tortured before the hanging by the petitioner and other co-accused persons.



Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Koilwar (Gidha) P.S. Case No. 175 of 2022 pending in the court of learned Chief Judicial Magistrate, Ara (Bhojpur).

Prayer is refused.

(Rajesh Kumar Verma, J)

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