

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59960 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- DHANARUA District- Patna

SUBODH KUMAR S/O Late Surendra Yadav Resident of village- Mahadeo
Bigha, P.S- Dhanarua, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.A. Shamsi, Advocate
	:	Mr. Nawal Kishore Prasad, Advocate
For the Opposite Party/s	:	Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Dhanarua PS case no. 295 of 2021 instituted for the offences punishable under Sections 304 (B), 201/34 of the Indian Penal Code.

The case of the prosecution, according to the informant, is that the marriage of the daughter of the informant was solemnized with the petitioner in the year 2017, whereafter a child was born out of the wedlock, however, subsequently, the accused persons including the petitioner herein, who is the husband of the deceased victim lady used to harass the daughter of the informant on account



of non-fulfilment of the demand for a motorcycle and used to assault her regularly. It is also alleged that on 05.09.2021 at about 6 in the evening, the informant along with family members had gone to the matrimonial house of her daughter, when she had not responded on the mobile phone and had found that the accused persons including the petitioner had killed the daughter of the informant, whereafter, they had disposed off her dead body.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 12.10.2021. The learned counsel for the petitioner has further submitted that the materials on record would show that the petitioner is not having any complicity in the alleged occurrence.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials available on record as also have perused the detailed impugned order dated 28.03.2022, passed by the learned court of Additional Sessions Judge-IInd,



Masaurhi, Patna and I find that the complicity of the petitioner in the alleged crime is writ large from the records and there are ample materials in the case diary, as has been discussed in the impugned order dated 28.03.2022, to show that the petitioner had killed his wife on account of non-fulfilment of the demand for dowry and thereafter, had disposed of the dead body, circumspectly, hence, I am not inclined to grant the privilege of bail to the petitioner, thus, the present petition stands dismissed.

At this juncture, the learned counsel for the petitioner submits that the petitioner be granted liberty to renew his prayer for bail, after two and a half years from today, in case there is no substantial progress in the on-going trial. Liberty so sought, is granted.

The present petition stands disposed off.

(Mohit Kumar Shah, J)

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