

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59129 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- NARPATGANJ District- Araria

SAROJ KUSHIYAIT S/O VISHUNDEO KUSHIYAIT @ VISHNUDEV
KUSIYAIT Resident of village- Dahgama, P.S.- Karjain Bajar, District-
Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bal Krishna Mishra

For the Opposite Party/s : Mr. J.N.Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 22-03-2023 Heard the learned counsel for the petitioner and
learned APP for the State.

This is an application for regular bail on behalf of
the petitioner for the offences alleged under Section 302/201 of
the Indian Penal Code, registered in connection with Narpatganj
P.S.Case No. 132 of 2022.

The FIR was lodged on the basis of *fardbayan* of
Chaukidar when the dead-body of a female was recovered from
a water body. There were cut marks on the throat and face of
that dead-body. During the course of investigation, the
photograph of that dead-body was shown to the petitioner, who
is husband of the deceased, and he identified the dead-body of
his wife.



The learned counsel for the petitioner has submitted that, though the petitioner has confessed his guilt and has mentioned that his wife was a lady of questionable character and to eliminate her, he contracted co-accused Bablu Yadav and handed over his wife to Bablu Yadav to kill her, but in the supervision note his statement about implication of co-accused Bablu Yadav was not found true and it has been mentioned in the supervision note that it was Bablu Yadav who, on earlier occasion, prohibited the petitioner from lodging the case against the person with whom the petitioner had suspicion of illicit relation of his wife.

On the other hand, the learned APP has opposed the prayer for bail and submitted that in the confessional statement the petitioner has stated that his wife (deceased) was making pressure on him to transfer his tractor and some property in her favour. There was no cordial relation between the couple and even if it is assumed to be true that he has falsely implicated Bablu Yadav, he cannot be exonerated from incrimination of himself.

Considering the facts and circumstances and also in view of the fact that the investigation is still continuing, I am not inclined to grant bail to the petitioner. His prayer for bail is



hereby rejected.

The trial court is directed to make every endeavour to dispose of the trial within a period of nine months. If the trial is not concluded within the stipulated time, as above, the petitioner may renew his prayer for bail.

(Nawneet Kumar Pandey, J)

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