

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66906 of 2022**

Arising Out of PS. Case No.-5 Year-2020 Thana- PALASI District- Araria

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BIRENDRA KUMAR SAH @ BUDHAN KUMAR SAH SON OF RAM
BABU SAH R/O VILLAGE- BALUA KALIAGANJ, WARD NO.11, P.S.-
PALASI, DISTRICT- ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-04-2023 Heard the parties.

The petitioner is an accused in connection with Palasi
P.S. Case No. 05 of 2020 corresponding Trial No. 439 of 2022
registered for the offences under Section 365 of the Indian
Penal Code.

As per the short prosecution story, the informant has
narrated that his sister along with the husband (the petitioner
herein) went out for shopping whereafter the lady disappeared
whereas the brother-in-law returned home, this according to the
FIR dated 05.01.2020 happened on 02.01.2020.

Subsequently on 08.01.2020, the dead body of the
lady was found in the pond nearby.



It has been contended by the learned counsel for the petitioner that his wife was of unsound mind. On the said day, he was sleeping at home and did not know as to when his wife left the house, he kept assuming that she will return little realizing that she has left the world.

Per *contra*, learned counsel for the informant submits that submission put forward by the petitioner is fit to be rejected inasmuch as when in the morning, he came to know about the missing of his wife, the natural situation that would happen for any person with sound mind will be to inform the locals, the in-laws and will search his wife and ultimately take the help of police. He cannot claim that only because she was unsound mind, he will keep waiting for his wife to come.

He submits that three days later when the brother came to know about the missing of his sister, the FIR was lodged and on 08.01.2020, the dead body was found from the pond. He as such, submits that the role of the petitioner in the death of the lady cannot be ignored.

Taking into account the kind of allegation that has come against the petitioner and relates to the death of his wife, the subsequent act of his while she remained missing for six days before the dead body was recovered cannot be ignored and



in that background, the prayer for bail stands rejected.

(Rajiv Roy, J)

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