

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73639 of 2023

Arising Out of PS. Case No.-453 Year-2022 Thana- KUDHNI District- Muzaffarpur

RAJA KUMAR @ RAJA BABU son of Late Ram Pravesh Rai village-
SAkari Saraiya Ps- Kurhani Turki OP Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Kurhani P.S. Case No. 453/2022 registered under Section 30-2 of the Indian Penal Code lodged on 20.09.2022 by the informant, Viswat Kumar.

3. As per the prosecution story, the informant alleged that the petitioner herein killed his wife, Mamta Kumari by pressing his neck. Accordingly, the body was seized and sent for postmortem which followed the FIR.

4. Learned counsel for the petitioner submits that the death has been due to asphyxia/hanging, it cannot be attributed to him.

5. Learned APP opposes the prayer for bail submits that a perusal of the learned Sessions Judge would show that



four ante-mortem injuries have been found on the person of the deceased and the case of death has been recorded as giving pressure on the neck. He further submits that in case it was death due to hanging, the natural recourse for the petitioner was to inform the police which he failed to do. The last submission is that his wife died in 2021 but he chose to walk into judicial custody only in 2022.

6. Considering the submissions put forward by the parties as also the observations made by the learned Sessions Judge regarding the cause of death, the petitioner being the husband cannot exonerate himself for the responsibility behind the killing of the lady.

7. No case is made out for grant of bail accordingly, the bail application stands rejected.

8. In view of the fact the petitioner is in custody since 18.10.2022 (more than a year), it would be appropriate that the Trial Court expedite the trial and conclude the same within a period of one year from today.

(Rajiv Roy, J)

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