

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36172 of 2024

Arising Out of PS. Case No.-285 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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Shyam Kumar @ Bhagwat Sharan S/O Pappu @ Om Kumar Verma @ Omkar
R/O Village- Chanua, Sendhal, Patti, Police Station- Nababganj, District-
Bareilly

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Rita Verma

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

ORAL ORDER

4 18-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sadar
(Mabbi O.P.) P.S. Case No. 285 of 2022 corresponding to Sessions
Trial No. 399 of 2022 registered for the offence punishable under
Section-302 of the Indian Penal Code.

3. The petitioner is husband of the deceased. Allegation
against the petitioner is that he assaulted sister of the informant
brutally, as a result of which, she succumbed to the injuries.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and he has falsely been implicated in this
case. It has further been submitted that as a matter of fact, both the
petitioner and his wife (deceased) used to work in a brick kiln and
she fell on the bricks and died. It has also been submitted that the
witness Munna Das has stated that the petitioner had come to his
house in order to ask for help.



5. From perusal of the postmortem report, it appears that rigor mortis had appeared in all the four limbs and was maintained all over the dead body. Bruises and abrasions of various shapes and sizes over right eye brow and right side of forehead were found. Antemortem injuries dangerous to life in ordinary course of nature were found which were caused by hard and blunt force. Death was caused due to respiratory distress, haemorrhage and shock. The postmortem report fully corroborates the allegation made in the FIR.

6. Learned APP has opposed the prayer for bail.

7. The report of learned trial court shows that there is every possibility of the trial being concluded within a period of nine months.

8. Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner and accordingly, the same is rejected.

9. However, if the trial is not concluded within the stipulated period of nine months, the petitioner may renew his prayer for bail before the court below itself.

(Nawneet Kumar Pandey, J)

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