

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37624 of 2024

Arising Out of PS. Case No.-321 Year-2022 Thana- MAHNAR District- Vaishali

Jitesh Kumar @ Jitesh Kumar Singh Son of Rama Shankar Singh Resident of
village- Hasanpur South, P.S-Mahnar ,Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Sinha, App.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-08-2024 Heard Mr. Anil Kumar, learned counsel appearing on
behalf of the petitioner and Mr. Satya Narayan Singh, learned
APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Manhar P.S. Case No. 321 of 2022 registered
for the offence punishable under Section 302/34 of the Indian
Penal Code.

3. Based upon the written report, the prosecution
alleges that the sister of the informant was found dead and her
dead body was lying on the bed. A ligature mark on the neck of
his sister was found, whereupon the information has been given
to the police and FIR has been instituted against the petitioner
and others.

4. Learned counsel appearing on behalf of the



petitioner contended that the FIR has been instituted only on the basis of suspicion and even the informant was not sure as to whether his sister has been killed by the petitioner and other family members. It is further contended that the marriage of the petitioner with the deceased was solemnized more than a decade. The petitioner has two minor children, a son aged about 12 years and a daughter is aged about 10 years but, surprisingly the statement of none of the children was recorded by the police. The postmortem report suggests that it's a case of strangulation. In fact on the alleged date of occurrence there was a quarrel took place between husband and wife which infuriated the wife and she committed suicide. It is lastly contended that the present case instituted under Section 302/34 of the I.P.C. without there being any specific allegation of causing death of the deceased, thus there is no chance of conviction of the petitioner.

5. On the other hand, learned APP for the State vehemently opposes the bail application and refers to some of the paragraphs of the case diary. It is submitted that on the fateful night on account of quarrel, the deceased was assaulted by the petitioner and after some time, he was found died on the account of strangulation.

6. Regard being had to the submissions made on



behalf of the parties and considering the materials available on record, specially the allegation levelled in the FIR as well as the postmortem report which suggest it is a case of strangulation this Court is not persuaded to enlarge the petitioner on bail.

7. Accordingly, the prayer for bail of the petitioner stands rejected.

8. However, the petitioner is at liberty to file a fresh application for bail after framing of charge.

(Harish Kumar, J)

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