

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38319 of 2024

Arising Out of PS. Case No.-393 Year-2017 Thana- MOTIPUR District- Muzaffarpur

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SANJAY SAH S/O RAJAN SAH R/O VILLAGE- PANCHARUKHI, P.S-
MOTIPUR, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-10-2024 Heard learned counsel for the parties.

2. The petitioner seeks regular bail in registered for the offences punishable under sections 498 A , 302 and 34 of the Indian Penal Code .

3 Prosecution case in brief, is that marriage of daughter of informant namely Nikki Devi was solemnized with this petitioner in the year 2002 according to Hindu rituals and traditions and two sons and one daughter was born out of wedlock . Thereafter, it is alleged that all the accused persons including this petitioner started torturing and harassing the victim. On 27.10.2017 informant got information that her daughter was dead and when he reached at the spot he saw injury mark on the neck of deceased. It is further alleged that as per information from neighbour, deceased was killed in the



house by this petitioner and other co-accused persons and dead body was kept in Mango orchard.

4. It is submitted on behalf of the petitioner that petitioner is husband of deceased and he has falsely been implicated in this case only on the basis of suspicion . As a matter of fact, there was some heated argument between petitioner and deceased and out of anger deceased committed suicide by hanging herself. During course of investigation , one of the sons of the deceased has stated that deceased has committed suicide . There is no eye witness to the alleged occurrence . In the postmortem report, no sign of external injury was found on the person of deceased. Cause of death was due to asphyxia as a result of anti mortem hanging. After the incident, petitioner informed informant about the death of his wife (deceased) and he himself performed all the rituals of shrad as per Hindu custom in the presence of both the family of petitioner and informant. Chargesheet has already been submitted. Petitioner is in custody since 08.02.2024 .

5 However, learned counsel for the State opposes the prayer for bail and submits that petitioner is husband of the deceased and there is direct and specific allegation against him is that he along with other co-accused persons killed the



deceased. The deceased was killed by all the accused persons in her matrimonial house in an unnatural circumstances.

6 Considering the nature of accusation and materials available on the records against the petitioner, his prayer for bail is refused.

(Prabhat Kumar Singh, J)

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