

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39517 of 2024

Arising Out of PS. Case No.-218 Year-2023 Thana- GHOSI District- Jehanabad

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BIMLESH KUMAR @ CHHOTU @ SAGAR KUMAR SON OF
MITHILESH SHARMA VILLAGE- DHURIYARI, PS- GHOSI, DIST-
JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Shivendra Prasad, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Ankit Katriar, Advocate
		Mr. Rishi Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Ghosi
P.S. Case No. 218 of 2023, registered for the offence punishable
under Sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, the informant has alleged
that in the night of 01.04.2023, his wife was assaulted and
caused death by strangulation. It is further alleged that in the
night of incident at about 8:30 PM, deceased informed the
informant through phone that this petitioner reached her house
and threatened her to kill. Thereafter, at about 10:30 PM, the
deceased did not pick the phone of informant. Thereafter,



informant informed the villagers, who knocked her door but there was no response. Thereafter, when the informant reached his house, he found his wife lying dead and blood was oozing from her nose and elbow and her neck was blocked. Informant suspects that at the instance of co-accused Mithlesh Sharma, this petitioner, along with several unknown persons, caused death of his wife by strangulation and assaulting. He further alleges that earlier he had lodged another case bearing Ghoshi P.S. Case No. 67 of 2023 against this petitioner.

4. It is submitted by learned counsel appearing on behalf of the petitioner that informant is not an eye witness of the occurrence and only on suspicion, this petitioner has been made an accused in this case. It is further submitted that police was given information on phone regarding the occurrence, following which the police reached at the P.O. village immediately but no report was lodged. Thereafter, the police proceeded to investigate the case without any report, prepared the inquest of the dead body on 01.04.2024 itself and sent the body for *post mortem*. He further submits that only after having learnt the reason of death, the informant lodged the present case. Petitioner is in custody since 25.11.2023.

5. On the other hand, learned A.P.P. for the State and



learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific allegation that he along with other accused persons caused death of wife of informant. It is further submitted that during investigation, the informant in his statement and other witnesses have support the prosecution case. Moreover, the *post mortem* report also corroborates the prosecution case.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and materials that have surfaced during course of investigation, the prayer for bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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