

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42799 of 2024

Arising Out of PS. Case No.-264 Year-2023 Thana- DESARI District- Vaishali

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Guddu Kumar Singh @ Guddu Kumar, aged about 23 years (Male), Son of Dharmendra Singh, R/O Village- Gajipur Ufraul, P.S.- Desari, District- Vaishali at Hajipur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mrs. Sudha, Advocate

For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 24-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Desari P.S. Case No. 264 of 2023 dated 21.07.2023 registered for the offences punishable under Sections 302 and 120B of the I.P.C.

3. As per the prosecution case, the informant is the first wife of the petitioner and she has one son from her husband. In the meantime, the petitioner contracted second marriage and took her in the house and when she and her sister-in-law (Nanad) protested, the petitioner assaulted them. She managed to save her but the petitioner assaulted very badly. Seeing this situation, the informant went to the *Mukhiya* of the village and informed him. When she returned to home then she



saw that the petitioner has killed her sister-in-law (*Nanad*) Khushbu Kumari by strangulation and after committing the offence, the petitioner and his second wife fled away from the house.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been recovered from the possession of the petitioner. It is further submitted that the informant being the sister-in-law (*Bhabhi*) of the deceased always tortured physically and mentally with her and due to this reason, the deceased committed suicide. The informant is not an eye witness to the alleged offence. It is further submitted that from perusal of the postmortem report, it appears that the doctor has not found any external injury on the body of the deceased and the deceased died due to 'Asphyxia following strangulation by flexible blunt article'. It is further submitted that the alleged occurrence took place on 20.07.2023 as to when the F.I.R. has been lodged on 21.07.2023 after lapse of more than 24 hours without giving any plausible explanation. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 23.09.2023.



5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has further submitted that the petitioner is the brother of the deceased and there is direct allegation of committing murder of the deceased against the petitioner. He has further submitted that after conducting postmortem of the deceased, the doctor has opined the cause of death 'Asphyxia following strangulation by flexible blunt article'.

6. Considering the aforesaid facts and circumstances of the case as well as the seriousness of the allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Desari P.S. Case No. 264 of 2023, pending in the court of learned A.C.J.M.-IX, Vaishali at Hajipur

7. The application stands rejected.

8. The trial court is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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