

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64389 of 2024

Arising Out of PS. Case No.-271 Year-2019 Thana- FATUA District- Patna

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Jhulan Kumar @ Fuggu Kumar @ Fujju Kumar Son of Sri Shyam Prasad
Singh @ Sri Shyam singh village- Kohar, Ariyagtola, Ps- Fatuha, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-12-2024 This case has been heard through Video
Conferencing.

2. Heard the parties.

3. The petitioner is in judicial custody in connection with Fatuha P.S. Case No. 271 of 2019 for the offence punishable under Section 304(B) of the Indian Penal Code lodged on 30.04.2019 by the informant, Jamun Singh.

4. As per the prosecution story, the allegation against the petitioner is that he having married the grand-daughter of the informant who used to assault her. On the fateful day, in the Hospital, she also narrated her ordeal to the informant that she was brutally assaulted. Subsequently, she succumbed to the injuries.

5. It is the case of the petitioner that contrary to the



allegation made in the FIR, actually they met with an accident as her 'Saree' got entangled in the rear tyre and she fell down on the road. The lady was immediately shifted to the Hospital where she finally breathed her last.

6. Learned APP on the other hand has taken this Court to the date of occurrence which is of the year 2019. The submission is that the lady left this World in the year 2019, the petitioner evaded arrest for four years, in between, he was arrested in an arms case Act after which remanded in the present case. Further, the submission is that there is nothing on record to show that he made any petition before the Superintendent of Police, Patna to let the investigation take another course whether it is an accident or killing of his wife.

7. Having gone through the facts of the case and the contention of the parties, this Court finds force in the submission of the learned APP. If there is/was an road accident, at least one witness must have been there to support the case of the petitioner. Further, the least that was accepted from him was to petition the Police to look into this fact. Nothing of that sort is there in the petition, any *alibi* has been taken in the petition in one of the paragraph which has no force. The investigation is continuing, the petitioner still has time to petition the S.P., Patna



to look into this angle.

8. So far as the bail part is concerned, allegation of killing of his wife is there and he evaded arrest for four long years, in that background, no relief can be granted to him.

9. The bail application stands rejected.

(Rajiv Roy, J)

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