

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73674 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Kamecha Narayan Tiwari @ Kamechchha Narayan Tiwari @ Kamechya
Narayan Tiwari Son of Late Nagina Tiwari R/o vill - Bharthiya, P.s. -
Bishambharpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

7 22-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bishambharpur P.S. Case No. 89 of 2023 dated 05-06-2023
instituted for the offence under Sections 302/34 of the Indian
Penal Code.

3. Prosecution case in short is that sister of the
informant was married with the petitioner 30 years ago. It is
alleged that petitioner used to beat and harass her sister as he
had an illicit relationship with his 'Bhabhi', namely, Sunaina
Devi. On protest made by the deceased, she has been harassed
by the family of the petitioner. It is further alleged that on
04-06-2023 the informant received information on phone that



his sister was done to death and an attempt is being made to dispose of the dead body of his sister, but the same was stopped by the local police. The informant has further alleged that his sister was killed by co-accused, namely, Sunaina Devi, and the petitioner. The victim has sustained several injuries on her body and the cause of death is due to head injury and strangulation.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this case. Petitioner is the husband of the deceased. Marriage took place 30 years ago. Since before the death of the deceased, there is no complain against anyone at any point of time. It is further submitted that there is no eye witness of the occurrence. There is no date and time of death given by the informant. It appears from the inquest report that it was prepared on 04-06-2023 at 21.30 hours. So far as injury is concerned, it is result of depression since 4-5 years the deceased acted as an abnormal mental status. At the time of abnormalities, her face and surrounding area became red and tight. At the time of occurrence, the petitioner was not present at the house and when he reached at his house, he found that accidentally her wife had fallen, on account of which, she sustained injuries. The deceased was under treatment of mental disease since before as



she was suffering from mental disorder due to which she committed suicide. Lastly, it is submitted that the petitioner is in custody since 06-06-2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph no.2 of the case diary wherein, description of inquest report has been mentioned, it is submitted that in column 5 of paragraph no. 2 of the case diary, it has been written that injuries on left side of forehead, left side of neck as well as in the back side of neck have been found on the dead body of the deceased. The postmortem report, annexed with the case diary, reveals that contusion of approx. size 3 cm x 3 cm was found present over left lateral side of neck and bleeding from nose was also found. It is further submitted that there is direct allegation against the petitioner of killing his wife as she used to oppose the alleged illicit relationship of the petitioner with his '*Bhabhi*' who is a widow.

6. Petitioner being husband has the prime responsibility for the dignity and safety of his wife. Considering the gravity of allegation, I am not inclined to grant bail to the petitioner for the present.

7. Accordingly, the prayer for grant of bail to the



petitioner is rejected.

8. The Trial Court is directed to expedite the trial and take all endeavor to conclude the trial at the earliest, preferably, within a period of one (01) year from the date of receipt/production of a copy of this order.

(Khatim Reza, J)

shyambihari/-

U		T	
---	--	---	--

