

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73215 of 2023**

Arising Out of PS. Case No.-134 Year-2023 Thana- RAXAUL District- East Champaran

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Mantosh Kumar @ Mantosh Yadav Son Of Kishor Yadav @ Kishori Yadav
R/O Village - Kanna Ahirwa Tola Ward No.7, P.S.- Raxaul, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 02-08-2024 Heard learned counsel for the petitioner,

informant and learned A.P.P appearing on behalf of the

State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 302, 304(B), 201, 34 of the Indian Penal

Code.

The accusation is of killing the daughter of

the informant by her in-laws family members including

the petitioner.



It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is husband of the deceased. There is no prior complaint of torture, harassment or assault against the petitioner or any family member. The victim died due to diarrhea and the informant was informed about the serious condition of his daughter but unfortunately, she could not survive out of her illness. The family members of the deceased were informed and they participated in the last rites but thereafter, a dispute arose regarding stridhan, leading to registration of the F.I.R. The petitioner is languishing in custody since 20.04.2023.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that petitioner is husband of the deceased. The deceased died within seven years of marriage. During



investigation, the witnesses have supported the case of the prosecution. The F.S.L report shows that the source of Exhibit-C (source blood sample of informant Lal Bahadur Raut) and Exhibit-D (source blood sample of Sumitra Devi) found to be biological parents of the source of Exhibit-B (source blood stained gauze swab cuttings).

In pursuance to the direction of this Court, a report with regard to the present stage of the trial has been received which has been kept at Flag-R. The report of learned 1st Additional District & Sessions Judge-cum-Special Judge, East Champaran, Motihari dated 24.07.2024 suggests that trial will be concluded within nine months.

Considering the fact that petitioner is husband of the deceased, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial



and conclude the same within stipulated period of time
as mentioned in its report dated 24.07.2024, failing
which, the petitioner will be at liberty to renew his
prayer for bail.

(Sunil Kumar Panwar, J)

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