

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85845 of 2023

Arising Out of PS. Case No.-432 Year-2021 Thana- SUGAULI District- East Champaran

BHOLA MISHRA S/O Anil Mishra R/o Village- Sugawn P.S.-
Sugauli, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP
For the Informant	:	Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 19-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.1026 of 2022 (arising out of Sugauli P.S. Case no.432 of 2021) registered under sections 302, 201 and 120B of the Indian Penal Code.

3. As per the prosecution case, the informant states that his daughter, who was married to the petitioner herein, was physically and mentally tortured and ultimately killed.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason of his being the husband of the deceased. From the contents of the F.I.R. itself, it would be evident that the marriage took place more than seven years ago and no case under section 304B of the Indian Penal Code is made out and in fact, F.I.R. is also registered under section 302 of the Indian Penal Code. The



petitioner is in custody since 21.10.2021 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that the examination of prosecution witnesses has concluded and the trial is near conclusion.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 9.2.2024 of the Additional District and Sessions Judge 19th, East Champaran, Motihari, the case is fixed for statement under section 313 of the Cr.P.C. and the trial is expected to conclude in 45 days.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. together with the trial having proceeded in the learned trial Court and being near conclusion as is evident from the report of the learned Additional District and Sessions Judge mentioned herein above, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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