

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.175 of 2024

Arising Out of PS. Case No.-177 Year-2021 Thana- MURLIGANJ District- Madhepura

Vivek Kumar Sah S/O Late Ram Naresh R/O- At- Sahebganj Itahari, Ward
No. 09, Ps. Murliganj, Dist. Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alka Verma, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-02-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has renewed his prayer for grant of
regular bail in connection with Murliganj P.S. Case no. 177 of
2021 registered under sections 302, 120B and 34 of the Indian
Penal Code and section 27 of the Act.

3. As per the prosecution case, the daughter of the
informant who is said to be the second wife of the petitioner was
brutally killed.

4. Learned counsel for the petitioner submits that the
deceased was living in a neighbouring house and was murdered.
The cause of her death was murder, not by the petitioner, but in
a manner other than what has been narrated in the F.I.R. Only
for the reason that the petitioner happens to be the husband of
the deceased that he has been falsely implicated in the case. It is



further submitted that inspite of the petitioner being in custody since 19.9.2021, the trial is not progressing and there is no chance of the same concluding in the near future. Only one witness has been examined on behalf of the prosecution and no other witnesses are turning up. Admittedly, there is no eyewitness to the alleged occurrence and allegations so far as this petitioner is concerned. The petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State.

6. Report was called for from the learned trial Court. As per the report received contained in letter dated 9.1.2024 of the Additional District & Sessions Judge-I, Madhepura, one witness has been examined on behalf of the prosecution out of the 7 charge-sheet witnesses. This witness also turned up on issuance of summons. With respect to the other prosecution witnesses, non-bailable warrants have been issued for their appearance.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner, the petitioner being the husband of the deceased and the trial having commenced, the Court is not inclined to enlarge the



petitioner on bail and the application is rejected. However, taking into consideration the contents of the report of the learned Court below with respect to the stage of the trial, the petitioner will be at liberty to renew his prayer for bail after 6 months, in case there is no substantial progress in the trial.

(Partha Sarthy, J)

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