

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3612 of 2025

Arising Out of PS. Case No.-198 Year-2023 Thana- HARLAKHI District- Madhubani

Ram Chandra Sah S/o- Sogarath Sah Village- Raima Ps- Saharghat Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Jha, Adv
For the Opposite Party/s	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Randheer Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 19-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Harlakhi
P.S. Case No. 198 of 2023 registered for the offences under
Sections 302 and 201 of the Indian Penal Code & Section 27 of
the Arms Act.

3. The petitioner is named in the F.I.R. and is in custody
since 24.08.2024.

4. As per FIR, a female dead body was found in the bed
of *Jamuna River* on 22.07.2023, where a dead body was
recovered by the police and subsequently identified by one
Ramchandra Sah as his married grand daughter. Petitioner is the
husband of the deceased.



5. Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated with the present case only on the basis of suspicion arising out of confessional statement of co-accused and pending litigation. It is further submitted that due to matrimonial discord, case of cruelty and maintenance were pending before different Courts between deceased and petitioner. It is submitted that admittedly deceased was living with her grandfather in her parental home. It is pointed out that no compromise as alleged has taken place before the Court of learned Principal Judge and, therefore, allegation of petitioner accompanying his wife under compromise to join her matrimonial home is completely a false allegation to implicate petitioner falsely with the present case. The wife of petitioner was shot dead near border of Nepal, which is about 30 kilometers from her matrimonial home. It is submitted that on the basis of suspicion as gathered from police spy, one co-accused was apprehended namely Bimlesh Kumar Yadav, who confessed that after receiving sum of Rs. 1,30,000/- he killed the wife of petitioner. It is also disclosed in confession that the petitioner along with his brother was also present during the occurrence and were holding leg and hand of victim. It is submitted that save and except confession in police custody of co-accused Bimlesh Kumar Yadav nothing incriminating appears



against this petitioner. It is pointed out that present case is based upon circumstantial evidence where nothing incriminating appears against petitioner to suggest his prima-facie involvement with the present crime in question except the confessional statement of co-accused as discussed aforesaid. It is also pointed out that the dead body was found in an open place which is accessible by general public and it is not a case, where occurrence took place within four walls of the matrimonial home so the burden of explanation under Section 106 of the Indian Evidence Act/Section 109 of the Bhartiya Shakshya Adhiniyam can be shifted over to petitioner/husband.

6. It is further submitted that out of 15 charge-sheeted witness only 10 witnesses have been examined till date, despite the fact that the petitioner remains in custody for about one year and, therefore, there is no chance of concluding the trial in the near future.

7. Learned APP duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer for bail submitted that petitioner being husband hired co-accused Bimlesh Kumar Yadav, who killed his wife as it is evident from his confessional statement. However he conceded that except confession nothing is available against this petitioner.



8. In view of aforesaid factual submission and by taking note of fact as wife of petitioner was murdered at the distance of 30 kilometers from her matrimonial home in an open place, where admittedly both were living separately due to pending litigation arising out of matrimonial discord, coupled with the fact as except suspicion arising out of confessional statement nothing prima-facie incriminating appears against this petitioner, where petitioner remains in custody since 24.08.2024 and trial of this case is not likely to conclude in the near future, accordingly above named petitioner, is directed to be released on bail in connection with Harlakhi P.S. Case No. 198 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 3rd, Madhubani/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S. with further conditions:-

(i) If petitioner made any deliberate attempt to delay trial, State/informant shall be at liberty to press petition before the learned Trial Court for cancellation of bail bond of petitioner by learned Trial Court, itself, which shall be decided by learned Trial Court, in accordance with law after giving fair opportunity to petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the



Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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