

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16409 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- ATRI District- Gaya

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Pawan Kumar, S/o- Gopal Mahto, RO Village- Seedh, PS- Atri, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-08-2025 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 Atri

P.S. Case No. 85 of 2024 registered for the offences under

Sections 302/34 of the Indian Penal Code.

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

custody since 08.12.2024.

4. Allegation against the petitioner is to commit

murder of daughter of the informant, who is none but the wife

of the petitioner.

5. Learned counsel appearing on behalf of the

petitioner submitted that the dead-body of wife of the

petitioner was recovered near to matrimonial home. It is



submitted that allegation, as per FIR, is appearing very much general and omnibus, wherein implication of the petitioner, *prima facie*, appears out of relation being husband. It is submitted that the informant is not the eye witness of the occurrence and similarly situated co-accused persons have already granted bail by one of the learned Co-ordinate Bench of this Court in Cr. Misc. No. 67692 of 2024 dated 18.12.2024. While concluding the arguments, it is submitted that investigation of this case has already been completed, charge-sheet submitted, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail has submitted that it is a case of brutal murder of the wife for the reason that the petitioner being husband, solemnized his another marriage during lifetime of deceased, with one Arti Kumari, details of which is available in the FIR itself. It is submitted that the dead-body was recovered near to house of the petitioner and it found covered with husk. It is further submitted that the petitioner being husband, *prima facie*, not appears to explain



as to how his wife died unnaturally. It is also pointed out that as per the post-mortem report, the cause of death ascertained as poisoning or smothering and, therefore, straightaway murder cannot be ruled out.

7. In view of aforesaid facts and circumstances as mentioned above and by taking note of fact as petitioner being the husband, *prima facie*, failed to explain that how the daughter of the informant died unnaturally in her matrimonial home, accordingly the prayer for bail of petitioner stands rejected herein for the present.

8. However, considering the period of custody of the petitioner, the learned Trial Court is directed to conclude the Trial, preferably within nine months of receiving of this order.

(Chandra Shekhar Jha, J)

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