

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25040 of 2025

Arising Out of PS. Case No.-212 Year-2024 Thana- GAMAHARIYA District- Madhepura

Mukesh Kumar @ Mukesh Ram Son of Fushan Ram @ Bhushan Ram R/o Village - Kurihar (kodiha), Tarave, Ward no. 6, P.S- Gamahariya, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 07-08-2025 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 Gamahariya P.S. Case No. 212 of 2024, registered for the offence under Sections 103(i), 3(5) of BNS.

3. The accused/petitioner is named in the F.I.R. and is in custody since 13.10.2024.

4. The allegation against the petitioner is to commit the murder of the daughter of the informant in her matrimonial home, where petitioner is the husband of the deceased/daughter of the informant.

5. Learned Counsel appearing on behalf of the petitioner submitted that the daughter of the informant was a lady of short



temperament and out of routine domestic dispute, she committed suicide. It is further submitted that the informant is not the *eye-witness* of the occurrence. While concluding the argument, it is submitted that the investigation of this case is already completed, for which a charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Learned APP duly assisted by learned counsel Mr. Vinay Kumar, appearing on behalf of the informant while opposing the prayer of bail categorically submitted that the petitioner was in illicit relationship with wife of his elder brother and due to said reason, the daughter of the informant was killed, who is none but the wife of the petitioner. It is submitted that during occurrence, the daughter of the informant was brutally assaulted and finally she was strangled to death. It is pointed out that both aforesaid facts can be easily gathered from the postmortem report of the victim, where multiple bruise on left lower back approx 1x1cm was found by mentioning cause of death as **"Asphyxia due to ligature strangulation"**.

7. Considering the aforesaid facts and circumstances and by taking note of the fact as the daughter of the informant was killed within four corner of her matrimonial home, where



cause of death as per postmortem report categorically ascertained as **"Asphyxia due to ligature strangulation"** where multiple bruise was also found on her left lower back as discussed aforesaid, suggesting *prima facie* that the deceased was brutally assaulted during the occurrence, accordingly, prayer of bail of the petitioner stands rejected herewith for the present.

8. Considering the custody period, as petitioner is in custody since 13.10.2024, the learned trial court is directed to expedite the trial in accordance with law as to conclude it preferably within one year.

(Chandra Shekhar Jha, J)

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