

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30460 of 2025

Arising Out of PS. Case No.-82 Year-2021 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Deepak Mukhiya S/o Ramudgar Mukhiya R/o Vill.- Ushari Ghat, P.S.-
Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prasoon Kumar, Advocate
For the Opposite Party/s : Mrs. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 06-08-2025 Heard the parties.

2. The petitioner is in custody in connection with Kusheshwar Asthan P.S. Case No. 82 of 2021 for the offence punishable under Sections 304(b), 201 and 34 of the Indian Penal Code lodged on 01.05.2021 by the informant, Umesh Mukhiya.

3. As per the prosecution story, the informant alleged that the daughter was married to this petitioner but always tortured her for dowry and on 28.04.2021, they got information that she has been killed and the dead body has disappeared. Upon reaching the said place, the house of the in-laws was locked from outside. Upon inquiry, the



neighbours informed that she has been killed. This led to the FIR.

4. Learned counsel for the petitioner submits that actually the lady disappeared, the in-laws were informed, instead, they chose to lodge FIR against him, he has surrendered and in custody since 05.10.2024.

5. Learned APP opposes the prayer for bail submitting that the matter is of 28.04.2021, petitioner is the husband, the *alibi* is that the wife disappeared but he took no steps nor lodged any FIR and disappeared for almost three and a half years and only after the Police was in the process of taking steps under the appropriate sections, surrendered. It is not a voluntary surrender rather it is on the basis of the active role of the Police that he has surrendered.

6. Taking into account the submission of the parties especially the fact that the allegation of killing/disappearance of lady is there, the alibi of the petitioner in absence of any FIR raises doubt and further, he chooses not to surrender before the Court for three and a half years, in that background, this Court is not inclined to extend him the privilege of bail.



- 7. The bail application stands rejected.
- 8. The Trial Court is directed to expedite the trial.
- 9. The Office to take immediate steps for returning the original case diary to the Trial Court.

(Rajiv Roy, J)

Adnan/-

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