

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45910 of 2024

Arising Out of PS. Case No.-252 Year-2023 Thana- TARIYANI CHOWK District- Sheohar

Nisha Kumari, aged about 21 years, Female, Wife Of Late Chandan Kumar Singh, Resident Of Village- Chatauni, Police Station- Tariyani, District- Sheohar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 9077 of 2025

Arising Out of PS. Case No.-252 Year-2023 Thana- TARIYANI CHOWK District- Sheohar

Pritesh Kumar @ Pritesh Kumar Singh, Male-22 years, S/o Ravindra singh R/o vill - Barharwa, Bishunpur Mohabbat, P.S.- Suppi, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45910 of 2024)

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP
For the Informant	:	Mr. Rajeev Kumar Singh, Advocate;
		Mr. Prabhjot Singh, Advocate
		Mr. Gyanendra Kumar Diwaker, Advocate
		Mr. Ankit Kumar Singh, Advocate
		Ms. Rushali, Advocate

(In CRIMINAL MISCELLANEOUS No. 9077 of 2025)

For the Petitioner/s	:	Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

9 21-02-2025 Heard learned for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The prosecution case in brief is that on the



night of 27.10.2023 at 00:30 AM, the informant received a call on his mobile from his aunt Shakuntala Devi informing him that Chandan was shouting and craving for help. It is alleged that upon receiving the said call, the informant along with his brother Ranjan Kumar and uncle Shivrath Singh went to Chandan's home and gave several calls to Chandan to open the door. It is further alleged that when upon repeated calls, the door was not opened then the informant went inside the house by jumping over the wall and found the body of Chandan Kumar Singh lying on the floor soaked in blood in his room and he had several injuries of knife on his body. His wife was lying beside him. It is further alleged that the wound on Chandan Kumar Singh's neck was wrapped with Dupatta and towel of his wife. It had further come in the FIR that the information of the occurrence was given to police. It is further alleged that after the demise of Chandan Kumar Singh's mother his family was living at Muzaffarpur at the house of his brother-in-law Vipin Kumar Singh. On 23.10.2023, Chandan Kumar Singh's wife had come to the village alone. It was alleged that his wife used to keep talking to some unknown person. It was alleged that because of this, there were frequent disputes between Chandan Kumar Singh and his wife and because of one such dispute, she had



gone to her village. It is further alleged that when Chandan complained about the matter to his father-in-law Manoj Kumar Singh then his father-in-law threatened him with that he would kill him. It is further alleged that on 26.10.2023 Chandan had told the informant that he was going to give his wife medicines as she was ill and on the very same night he was killed. It was alleged by the informant that Chandan Kumar Singh's wife had killed him because of the previous threats to his life and because she did not raise any alarm at the death of her husband. The informant alleged that Chandan Kumar's father-in-law Manoj Kumar Singh killed him under a conspiracy. He further alleged that in the past his aunt was also killed by Nisha Kumari and other unknown persons.

3. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He next submits that one of petitioners, namely, Nisha Kumari is the wife of the deceased and she had no dispute with her husband and used to live peacefully with her husband and there was no reason for her to commit murder of her husband but a false story has been developed by the informant to lodge the present case. One of the petitioners, namely, Pritesh Kumar @ Pritesh Kumar Singh is not named in the FIR and his name



came up during the course of investigation on the basis of confessional statement extorted by the police from the wife of the deceased, namely, Nisha Kumari.

4. The Learned APP for the State as well as the learned counsels for the informant opposes the prayer for regular bail of the petitioners and submits that co-accused Nisha Kumari was found at the place of occurrence but she did not raise any alarm following the death of her husband. Learned counsel for the informant further submits that co-accused Nisha Kumari was the only person who was present in the house when her husband was stabbed to death. The learned counsels further submit that the co-accused had been in an illicit relationship and hence wanted to eliminate the deceased. They further submit that as per Para- 45 of the case diary, the clothes of the other co-accused Pritesh Kumar was recovered from the nearby paddy field. Learned counsel for the informant further submits that the co-applicant Pritesh Kumar did not comply with the Hon'ble Supreme Court's order to surrender within two weeks from but rather he submitted pursuant to a warrant issued against him.

5. By the order dated 20.08.2024 passed in Criminal Appeal No. 3426 of 2024, arising out of SLP (Crl.) No. 5719 of 2024, the Hon'ble Supreme Court set aside the bail



order granted by this Court on 14.03.2024 to the petitioner Pritesh Kumar on grounds of being highly premature. The Apex Court also directed the trial Court to list this case for trial and record the statements of the private witnesses No. 1 to 5 produced by the State counsel within a period of four months. The Apex Court's order also allowed the petitioner to file for fresh bail petition after the deposition of the witnesses were recorded. The review petition filed vide R.P (Crl.) No. 461 of 2024 dated 24.09.2024 against the order dated 20.08.2024 was dismissed on grounds that no case was made out for review of the said order.

6. Following the Hon'ble Supreme Court's order, on 08.10.2024 this Court called for the F.S.L report in connection with Sessions Trial No. 38 of 2024 arising out of Tariyani P.S. Case No. 252 of 2023 from the Court of learned Sessions Judge, Sheohar. The F.S.L report showed that the petitioner's clothes and shoes were recovered from the place of occurrence and were covered in the deceased's blood.

7. Vide Letter No. 08 of 2025, dated 07.02.2025 the Principal Sessions Judge, Sheohar has submitted that out of seven charge-sheet witnesses, statements of six witnesses have been examined and only the statement of the I.O. is remaining



for examination. In the meantime, the learned trial Judge stated that on 15.01.2025 the prosecution filed two petitions for examination of three more non-charge sheeted witnesses which was allowed by the learned trial Judge, vide order dated 05.02.2025. The learned trial Judge has further submitted that the trial would conclude within eight months.

8. It is evident from Para-270 and 271 of the case diary that based on the confessional statement of co-applicant Nisha Kumari, the clothes and shoes of the other co-applicant Pritesh Kumar was recovered. The FSL report further revealed that the blood stains found on the recovered clothes showed that the blood was of the deceased Chandan Kumar Singh. Further from Para-203 of the case diary, it is observed that the CDR report of the mobile no. 6287057003 which belonged to Pritesh Kumar showed the tower location of his mobile to be near Chanauti village which was the place of occurrence from 06.09.2023 till 25.10.2023. Para-206 of the case diary reveals that the co-applicant Pritesh Kumar's mobile showed his location at the night of occurrence, 25.10.2025 from 10:03 PM to 11:39 PM to be near the place of occurrence. Till 12:48 AM on 27.10.2025 the co-applicant's location was near the place of occurrence. Para- 204 of the case diary reveals that Nisha



Kumari had called her deceased husband a day before the alleged occurrence.

9. The involvement of Nisha Kumari has been prima facie established as she was the only person present when the occurrence took place. She had called her husband to the village where she was staying and as far as Pritesh Kumar is concerned, it is evident that he surrender himself before the trial Court when warrant was issued against him and did not surrender himself before the trial Court within two weeks when the Apex Court directed petitioner namely Pritesh Kumar to surrender within two weeks from the date of order. For delay in surrendering himself before the trial Court, learned counsel for the petitioner namely Pritesh Kumar submitted that petitioner had filed review before the Apex Court for the order dated 20.08.2024, so the delay. From perusal of review order dated 24.09.2024 passed by Hon'ble Apex Court it does not appear that petitioner was further given more time for surrendering before the trial Court which clearly shows that petitioner namely Pritesh Kumar had clearly not followed the order dated 20.08.2024 passed by the Hon'ble Apex Court.

10. Considering the facts and circumstances of the case, I am not inclined to grant bail to the petitioners.



Accordingly the prayer for bail of the petitioners is hereby rejected.

11. Keeping in view of the direction of the Hon'ble Supreme Court in Cr. Appeal No. 3426 of 2024 arising out of SLP (Cr.) No. 5719 of 2024 to the learned trial Court to complete the recording of the statements of the witnesses within four months. So considering the situation of the trial of the present case and report submitted by the learned trial Court, the learned Trial Court is directed to conclude the trial in a further period of four months from the date of receipt of a copy of this order and fix the case for hearing as may be possible on day-to-day basis. It is further directed that both the parties shall cooperate in the expedite conclusion of the trial.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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