

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71293 of 2023

Arising Out of PS. Case No.-545 Year-2022 Thana- MAHUA District- Vaishali

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AMLESH KUMAR Son of Kailash Singh R/O Village - Fatehpur Pakari @
Fatehpur Pakri, P.S.- Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

9 01-05-2025 Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Mahua P.S. Case No. 545 of 2022, registered for the offences punishable under Sections 341, 342, 323, 363, 364, 498(A), 504, 506 and 34 of the Indian Penal Code and Section 3/4 of the D.P. Act but charge-sheet has been submitted under Sections 341, 342, 323, 498(A), 364, 120(B), 302, 504 and 506 of the Indian Penal Code.

3. The prosecution case is to the effect that the petitioner was married to the sister of the informant on 11.12.2020. However, there was demand of dowry being made by the in laws and the informant's sister was being tortured. It



was alleged that on 22.08.2022 informant's brother-in-law stated that petitioner had called and informed that his sister had escaped. Subsequently, on the application of the informant the FIR was registered against five named accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated by the in laws. The learned counsel further submits that his wife had walked away on her own on 21.08.2022 and he had subsequently lodged a *Sanha* also on 28.08.2022 with regard to the missing of his wife. The learned counsel next submits that there is nothing to connect the petitioner with the missing of his wife who is not yet been recovered despite the constitution of an SIT. It has lastly been submitted that the petitioner is in custody since 05.06.2023 and he has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and stated that the wife of the petitioner was admittedly with the petitioner when she went missing and despite admitting that the wife of the petitioner went missing on 21.08.2022, a *Sanha* was registered on 28.08.2022 to cover up the misdeeds although the FIR was already lodged against the petitioner and another on 24.08.2022 by the brother of the victim. The learned APP also pointed out



towards the confessional statement of the petitioner wherein he has described as to how he has killed his wife and thrown her body in the Saryu River.

6. Considering the aforesaid facts and circumstances of the case and taking into account the fact that the petitioner who is the husband of the sister of the informant and was answerable for her whereabouts and looking at the conduct of the petitioner, I am not inclined to enlarge the petitioner on bail for the present. The application for bail is rejected.

7. The learned Court below in its report has pointed out that the trial has commenced. However, despite summons to the prosecution witnesses till date no witness has been examined.

8. It is expedient in the interest of justice that the learned Trial Court should initiate the trial at the earliest and conclude the same preferably within a period of six months from the date of receipt/production of the copy of this order.

(Sourendra Pandey, J)

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