

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81248 of 2024

Arising Out of PS. Case No.-472 Year-2022 Thana- FATEHPUR District- Gaya

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Awdhesh Kumar Son of Ramashish Prasad @ Ramashish Yadav Resident of
Village- Pakariya, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.
For the Informant :
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 07-07-2025 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offences under Section 304(B) read with section 34 of the
Indian Penal Code.

3. As per the allegations made in the FIR, the
marriage of the daughter of the informant was solemnized with
Awdhesh Kumar (the petitioner). The informant further alleged
that the petitioner had earlier assaulted and fractured the leg of
his wife on 23.07.2022. The petitioner had informed the
informant that her daughter had died. The informant has alleged
that it was the petitioner who had committed the murder of her



daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and the allegations levelled are frivolous and concocted. It has next been submitted that the marriage was solemnized in the year 2014, and hence, the presumption as per Section 304(B) of the IPC will not be attracted. It has further been submitted that the petitioner is in custody since 28.07.2022 and there is no hope that the trial would be concluded soon. It has lastly been submitted that the petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is an accused and alleged that he has committed the murder of his wife. It has also been submitted that the trial has commenced and three out of seven prosecution witnesses have been examined, including the informant, I.O. and the Doctor.

6. Considering the aforesaid facts and circumstances of the case and taking into account that the trial is almost at the fag end, this Court is not inclined to grant the petitioner on bail.

7. It is expected that the trial shall expedite and complete trial and examine the rest of the prosecution witnesses



within two months from today and may conclude the trial within four months from today. It is also made clear that the prosecution shall not delay the trial in any manner, specially in calling of the prosecution witnesses, who are the relatives of the informant.

8. Accordingly, the application is dismissed with the aforesaid observations.

(Sourendra Pandey, J)

Sudhanshu/-

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