

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77722 of 2025

Arising Out of PS. Case No.-142 Year-2022 Thana- MUSAHARI District- Muzaffarpur

Jitendra Kumar @ Jitendra Sahani S/o- Vinod Sahani R/v- Chhoti Kotihya Ps-
Mushari Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate
For the State : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 30-03-2026 Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
Mushahari (Mushari) P.S. Case No. 142 of 2022 registered for
the offence punishable under Sections 304B/34 of the Indian
Penal Code.

3. The allegation against the petitioner is of killing his
wife.

4. Learned counsel for the petitioner submits that
from paragraph no. 2 of the case diary, it is evident from the
statement of the informant that the petitioner was working as a
labourer in Bangalore. He also submits that except for one
abrasion, there is no external injury to support the prosecution
case that the deceased was killed by the accused persons. He



further submits that the petitioner is in custody since 29.08.2024 and it is the prosecution who is delaying the trial and only two witnesses out of five witnesses have been examined till date. He submits that the right of speedy trial of the petitioner is being violated and he cannot be kept indefinitely in custody as *bail is the Rule and jail is an exception*.

5. Learned counsel for the State and the informant have vehemently opposed the prayer for bail but the learned counsel for the informant could not explain the non-examination of private witnesses for the last more than one year though his submission is that the petitioner has allegedly killed his wife.

6. I have considered the submissions of the parties.

7. From the record, it appears that the petitioner was not there when the deceased died/committed suicide. There is no external injuries on the dead body of the deceased except the ligature mark/bruise, further it appears that the prosecution is delaying the trial.

8. Considering the aforesaid, this application is allowed.

9. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



J.M.1st Class, Muzaffarpur (East)/ concerned Court in connection with Mushahari (Mushari) P.S. Case No. 142 of 2022, subject to the condition that the petitioner will co-operate in the trial.

10. It is, however, clarified that the observations made herein are limited to the adjudication of the present bail application and shall not prejudice the case of the petitioner at any subsequent stage of the trial and this Court has not express any opinion on the merits of the case.

(Sandeep Kumar, J)

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