

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79043 of 2025

Arising Out of PS. Case No.-339 Year-2025 Thana- WAJIRGANJ District- Gaya

Deepak Kumar, Male, aged about 35 years, Son of Arvind Prasad @ Arvind Kumar, Resident of Village - Shekhpura, Police Station - Neemchak Bathani, District - Gaya Jee.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 17-01-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Wazirganj P.S. Case No. 339 of 2025 instituted for the offences punishable under Sections 103(1) and 238 of the BNS, 2023.

3. As per allegation in the FIR, the informant (Chowkidar) was on duty got an information that the dead body of an unknown lady was lying near Manjhauri village mountain. It was further stated by the informant that the unknown lady was killed by pressing her neck and committing assault upon her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that the dead body was identified as Sulekha Kumari, wife of the petitioner



by the relatives of the deceased. He further submits that the petitioner got married to the deceased in the year 2009 and the deceased ran away with her extra marital partner namely Sikandar Kumar. He next submits that Neemchak Bathani P.S. Case No. 91 of 2025 was lodged against the said Sikandar Kumar. He lastly submits that the marriage of the wife of the petitioner with Sikandar Kumar was solemnized and the petitioner and his relatives can be implicated in this case. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 28.06.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. From perusal of the FIR, case diary and impugned order of the learned District and Additional Sessions Judge,-XV, Gaya dated 09.10.2025, it appears that petitioner is not named in the FIR and his name transpired in this case during the course of investigation. From perusal of the records, it also appears that on the basis of written report of the local *Chowkidar*, FIR has been registered under Sections 103(1) and 238 of the BNS, 2023 against five accused persons. During investigation, the father of the deceased identified the deceased lady by her photograph. It also appears that the present petitioner is husband



of the deceased and the petitioner already registered an FIR for the offence under Sections 103(1) and 238 of the BNS against one persons namely Sikandar Kumar as police station Neemchak Bathani dated 11.04.2025, then after about two months, this occurrence has occurred. Petitioner is in custody since 28.06.2025, so considering all these aspects of the case and submission of learned counsel for the petitioner, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. 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 Judicial Magistrate, First Class, Gaya in connection with Wazirganj P.S. Case No. 339 of 2025.

(Ramesh Chand Malviya, J)

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