

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12549 of 2015

Arising Out of PS.Case No. -199 Year- 2014 Thana -CHAPRA
MUFFASIL District- SARAN

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Himanshu Shekhar S/o Late Sachida Nand Singh, R/o Village- Hemnagar,
P.S. Chapra Muffassil, District- Saran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kr. Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 31-07-2015 Heard both sides.

The petitioner seeks bail in Chapra Muffasil P.S. Case No. 199/2014, registered for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

The petitioner is the husband of the deceased Sumpy Singh. The mother of the deceased stated that her daughter was married to the petitioner in the year 2008 but thereafter demand of dowry was made. Her daughter was killed on 11.09.2014 by the petitioner and her mother-in-law.

It is submitted that there is no material to show that the petitioner ever tortured his wife for demand of dowry.

From the post-mortem report, it appears that the deceased

died due to asphyxia on account of hanging. The deceased had some verbal altercation with the petitioner and she herself committed suicide. The post-mortem report does not suggest any external injury on the body of the deceased Sumpy Singh. The petitioner is in jail since 12.09.2014.

On the other hand, learned counsel for the informant as well as the learned APP vehemently opposed the prayer for bail.

From perusal of inquest report it would appear that the deceased had cut injury just below her lower lips and blood stain injury was found on the back of the deceased. The informant has made allegation that when she reached the place of occurrence, the materials causing death of the deceased was cleaned and screened. The information was given belatedly. The doctor did not find injury in the post-mortem, except the ligature mark around the neck of the deceased. During course of investigation, the witnesses have stated that cut injuries and bloodstain injury were found.

Considering the facts aforesaid and the fact that the petitioner is the husband, I am not inclined to enlarge the petitioner above named on bail at this stage. Accordingly, the same is rejected.

If the case is not committed to the court of Sessions, the learned Judicial Magistrate, in seisin of the case, is directed to

commit the case forth with to the court of Sessions and on such the trial court is directed to hold the trial on day to day basis and conclude the same within six months from the date of the commitment of the case.

The S.P., Saran is also directed to produce all the prosecution witnesses of Chapra Muffasil P.S. Case No. 199/2014 in the trial court so that the trial must conclude within six months. If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J.)

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