

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30361 of 2015

Arising Out of PS.Case No. -58 Year- 2011 Thana -BACHWARA District- BEGUSARAI

1. Subodh Rai @ Subodh Kumar Rai Son of Vidyanand Rai @ Bidyanand Rai Resident of Village- Bisanpur, P.s Bachawara, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Anita Kumari Singh(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

7 18-12-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner happens to be husband of the deceased and is languishing in jail custody since 26.09.2013 in a case registered for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code.

The deceased died within two years of her marriage and her dead body was recovered from a field and several injuries were found on her body. There is specific allegation against the petitioner and his other family members that they used to torture the deceased due to non fulfilment of illegal dowry demand.

Contention on behalf of the petitioner is that father in law of the deceased was put on trial in Sessions Trial No. 356 of

2012 but not a single prosecution witness except the doctor turned up and accordingly, the father in law of the deceased was acquitted under Section 232 of the Cr.P.C. To fortify his above stated contention, he drew my attention towards Annexure-2 to this petition.

From perusal of Annexure-2, I find that father in law of the deceased was acquitted by the Additional Sessions Judge-IV, Begusarai in Sessions Trial No. 356 of 2012 vide order dated 30.04.2015. The aforesaid order goes to show that the learned trial court issued several processes including non bailable warrant of arrest as well as D.O. letter to higher police officials and lastly closed the prosecution case but there is nothing in the aforesaid order to show as to whether any process was ever served upon the prosecution witnesses or not. Moreover, in the present case, the trial court has reported that case is pending for prosecution evidence but in spite of issuance of summons and bailable warrants, prosecution witnesses are not turning up. The report dated 01.12.2015 of learned Additional Sessions Judge-VI, Begusarai does not demonstrate as to whether any process was ever served upon the prosecution witnesses or not.

It is a serious case of dowry death in which injuries were found on the person of the deceased. Therefore, I am not

inclined to release the petitioner on bail, at least, at this stage and hence, his prayer for bail in connection with Sessions Trial No. 293 of 2014 arising out of Bachhwara P.S. Case No. 58 of 2011 pending in the court of learned Additional Sessions Judge-VI, Begusarai stands rejected.

However, learned trial court is directed to conclude the trial of the petitioner within six months from the date of receipt/production of copy of this order. It is made clear that learned court below shall exercise its power, if the police officials do not respond to the processes issued upon prosecution witnesses as well as letters written to them. It is also made clear that if the trial of the petitioner is not concluded within the above stated period of six months, the petitioner may renew his prayer for bail before the trial court itself.

(Hemant Kumar Srivastava, J)

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