

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42084 of 2015

Arising out of PS.Case No. -9 Year- 2014 Thana -IMAMGANJ District- GAYA

Suresh Yadav, S/o Deoraj Yadav, resident of Village Rohway, P.S. Imamganj, District Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Syed Ehteshamuddin, Advocate.

For the Opposite Party : Mr. Ashraf Ansari(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-10-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 02.07.2015 in connection with Imamganj P.S. Case No. 09 of 2014 for the offences instituted under Sections 304(B) and 201/34 of the IPC.

The accusation is of killing the daughter of the informant for non-fulfilment of dowry demand after seven years of marriage.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 02.07.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. From perusal of Annexure-2 it is apparent that the petitioner has been made accused in the present case due

to mistake of fact. There is no direct or indirect evidence against the petitioner.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and he is the husband of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Imamganj P.S. Case No. 09/2014 (G.R. No. 113 of 2014), pending in the court of the learned J.M. Ist Class, Sherghati, Gaya. Anyhow, it is directed that the learned Trial Court shall take all necessary steps to expedite the trial keeping in mind that the case has been instituted due to mistake of fact. The case is to be committed to the Court of Sessions within a period of one month and the trial be concluded within a period of another five months from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)