

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48537 of 2014

Arising Out of PS.Case No. -103 Year- 2013 Thana -AKHODHIGOLA District- SASARAM
(ROHTAS)

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Sunil Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray-Advocate

For the Opposite Party/s : Mr. Shakir Ahmad (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

07 01-07-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Within two years of marriage, deceased was done to
death at her *Sasural* and her dead body had already been disposed
of. Furthermore, there happens to be allegation of persistent
demand of dowry followed with torture on that very score by the
informant, father of deceased.

Learned counsel for the petitioner submits that the
witnesses, who happens to be co-villager, have stated that
petitioner, who happens to be a gambler and on account thereof,
was regularly torturing the deceased to provide money for
gambling, ultimately cost her life and on account thereof, instant
case will not fall within the purview of Section 304B of the I.P.C.
Furthermore, petitioner happens to be under custody since

09.09.2013. Therefore, he be released on bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that the villagers, who ever been examined are not an eye witness to occurrence rather are hearsay. Furthermore, being a co-villager, aforesaid conduct was but natural. Apart from the fact that petitioner happens to be husband of deceased, he on his own has not explained death of deceased which occurred at his house.

Accordingly, prayer of petitioner for bail is rejected.

The learned lower Court is directed to expedite the trial and must conclude the same within a year. Simultaneously, the Superintendent of Police, Rohtas is directed to produce all the remaining prosecution witnesses to facilitate conclusion of trial within a year.

Office to communicate upon the Superintendent of Police, Rohtas. In case, trial is not concluded within a year, then in that event, petitioner will be at liberty to renew his prayer before the learned Court below.

(Aditya Kumar Trivedi, J)

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