

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32279 of 2015

Arising Out of PS.Case No. -176 Year- 2013 Thana -MEHSI District-
EASTCHAMPARAN(MOTIHARI)

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1. Rajesh Kumar @ Rajesh Bhagat S/o Late Chandeshwar Bhagat Resident
of Village Rajua Bakhari, P.S. Mehsi, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Pramod Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 16-10-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner happens to be husband of the decease.

No doubt, in fardbyan the date of marriage was not disclosed by the informant but subsequently, when further statement of informant was recorded, he disclosed that the marriage of the deceased had taken place with the petitioner 5 years ago and, therefore, it is apparent that deceased died within 7 years of her marriage. The dead body of the deceased has already been disposed off.

Learned counsel for the petitioner submits that the informant in his further statement admitted that on 17-10-2013, he got telephonic call from father of the petitioner but due to noise,

he could not receive his call and later on, when he tried to make a call on the mobile phone of petitioner's father, the mobile phone of the petitioner was found switched off.

Regard being had to the facts and circumstances of the case as well as submission of the parties, I am not inclined to release the petitioner on bail at least, at this stage and accordingly, his prayer for bail in connection with Mehsi P.S. Case No. 176 of 2013 pending in the court of learned Chief Judicial Magistrate, East Champaran, Motihari stands rejected.

However, petitioner may renew his prayer for bail before the trial court itself, if, his trial is not concluded within 9 months from the date of receipt/production of copy of this order.

The learned Chief Judicial Magistrate/concerned court, East Champaran, Motihari is directed to commit the case of the petitioner to the court of Sessions in accordance with law within three weeks from the date of receipt/production of copy of this order, if, the same has not been committed, as yet and, after commitment, the concerned Sessions Court shall expedite the trial of the petitioner and try to conclude the same as early as possible, preferably, within the period as stipulated above.

(Hemant Kumar Srivastava, J)

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