

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43835 of 2014

Arising out of PS.Case No. -183 Year- 2013 Thana -NAWINAGAR District- AURANGABAD

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Rajiv Singh @ Chunu Singh, Son of Nageshwar Singh, Resident of Village-
Dobdiha, P.S.- Nabinagar, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate.

For the Opposite Party/s: Mr. M.K. Khare, APP

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 04-02-2015 Heard learned counsel for the parties as with regard to

the prayer for bail of the petitioner for offence under Sections

302/201/34 of the Indian Penal Code.

2. Learned counsel for the petitioner has submitted

that the marriage had taken place in the year 2004 and there could

not have been motive for the petitioner to kill his wife, who is also

mother of his two children. He has in this regard referred to

paragraph 53 of the case diary to contend that even one of her

daughter, namely, Annu Kumari had supported the defence of the

petitioner that the deceased, the wife of the petitioner and the

mother of Annu Kumari, had died on account of severe pain in her

stomach.

3. This Court on perusal of case diary specially the

statement recorded in paragraph no. 5, 6, 7 and 9 would find that

there are materials to show that the petitioner had killed his wife. Infact even the statement of his daughter in aged about seven years in paragraph no. 53 recorded about three months of the occurrence where she is also stated to have stated that she had gone outside the house for playing, will not absolve the petitioner much less by itself establish that she had died due to pain in her stomach.

4. Considering however the fact that the petitioner has got no criminal antecedent and he is in judicial custody since 03.06.2014, though this Court is not inclined to grant bail to the petitioner for the present, but keeping in view the fate and future of two daughters of the petitioner is also linked with the petitioner this Court would direct the trial court to ensure that the trial of the petitioner is concluded within a period of nine months from the date of receipt of a copy of this order.

5. Happen it be so, that the trial of the petitioner is not concluded within a period of nine months, the petitioner will be at liberty to move initially the trial court and the trial court will have to record reasons for not concluding the trial within the time frame as fixed by this Court and only thereafter the petitioner may move this Court for renewing his prayer for bail.

6. With the aforesaid observation the prayer for bail of the petitioner is rejected.

7. Let a copy of this order be sent to trial court to ensure that the trial of the petitioner is concluded on or before 30.11.2015.

(Mihir Kumar Jha, J)

Sujit/-

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