

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31810 of 2015

Arising out of PS.Case No. -47 Year- 2014 Thana -BAUNSI District- BANKA

1. Arbind Das, Son of Babulal Das.
2. Baij Nath Das, Son of Babulal Das.
3. Babulal Das, Son of Late Fagu Das. All residents of village -
Masudanatikar, P.S. Bounsi, District – Banka.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Sanjay Kumar Jha, Advocate.

For the Opposite Party : Mr. A.M.P. Mehta (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 30-11-2015 The petitioner no. 3 Babulal Das and petitioner no. 2
Baij Nath Das have already been granted bail by this Court vide
orders dated 14.08.2015 and 14.10.2015 respectively.

Heard learned counsel for the petitioner no. 1 and learned
counsel for the State

The petitioner no. 1 is languishing in custody since
13.04.2015 in connection with Bounsi P.S. Case No. 47 of 2014
for the offences instituted under Sections 304(B) and 201/34 of the
IPC.

The prosecution story, in brief, is that the daughter of the
informant, namely, Gunjan Kumari, who was married three years
ago, was subjected to cruelty by the accused persons for non-

fulfilment of dowry demand of Rs. 50,000/- and thereafter they killed her and threw her dead body into the well.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 13.04.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. As per prosecution case, it is alleged that the deceased was done to death and thereafter she was thrown in the Well. From perusal of paragraph no. 40 of the case diary which is the postmortem report of the deceased, it appears that there is no external injury on the body of the deceased. FSL report is said to have been received in a sealed cover, same is opened in the Court room. From perusal of FSL report, it appears that no poison was found in the chemical examination.

On behalf of the State it has been submitted that in paragraph nos. 8,9,10 and 11 of the case diary, the witnesses have stated that the petitioner had illicit relationship with his sister-in-law (*Bhabhi*) and hence he has committed murder of the deceased. The petitioner is named in the FIR and he is the husband of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner no. 1 Arbind Das. The

same is rejected in Bounsi P.S. Case No. 47/2014, pending in the court of the learned CJM, Banka. Anyhow, the learned Trial Court is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of nine months from the date of receipt/production of copy of this order.

Let FSL report be sent back to the office of the Director, Forensic Science Laboratory, Bihar, Patna.

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(Sudhir Singh, J)