

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40779 of 2015

Arising out of PS.Case No. -135 Year- 2015 Thana -SAHPUR District- BHOJPUR

Harendra Singh, S/o Akshay Kumar Singh, resident of village + P.S. - Shahpur, District - Bhojpur at Ara.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Kanhaiya Pd. Singh, Sr. Advocate.

For the Opposite Party : Mr. Bharat Lal (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-10-2015 Heard learned senior counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 18.05.2015 in connection with Shahpur P.S. Case No. 135 of 2015 for the offences instituted under Section 306 of the IPC.

The prosecution story, in brief, is that the marriage of the deceased Priyanka Kumari was solemnized with the petitioner on 07.05.2015 and she was also pregnant for six months and during her wedded life her husband dishonored her by stating some unpleasant words with threatening to be murdered in future. On the alleged date and time of occurrence the deceased Priyanka Kumari poured kerosene oil over her body and also made set fire and during treatment she died.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 18.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. There is no substantive piece of evidence to show that the petitioner is abettor to the alleged occurrence.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and the F.I.R. itself is a dying declaration of the deceased and the petitioner is said to be a abettor to the alleged occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Shahpur P.S. Case No. 135/2015, pending in the court of the learned C.J.M., Bhojpur at Ara. Anyhow, the Trial Court is directed to take all necessary steps to expedite the trial and conclude the same within a period of nine months from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)