

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38959 of 2014

Arising Out of PS.Case No. -64 Year- 2014 Thana -ATHMALGOLA District- PATNA

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1. Rahul Paswan Son of Karu Paswan

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Gulnar Begum (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

ORAL ORDER

3 03-03-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner happens to be husband of the deceased and
there is allegation of torturing as well as illegal demand against the
petitioner. The informant claimed that his daughter was killed by
the petitioner as well as his other family members but admittedly,
the dead body of the deceased could not be recovered.

In course of investigation, the statement of one
Amriti Devi, who happens to be sister of petitioner as well as
accused in the present case, was recorded and she disclosed that
on the alleged date of occurrence, petitioner and husband of the
aforesaid witness had left home and later on, they returned and
furthermore, the husband of the aforesaid witness at para 24 of the
case diary confessed that the deceased was assaulted and killed by

the petitioner.

Moreover, there is presumption under Section 304 B of the Indian Penal Code and, therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Athmalgola P.S. Case No. 64 of 2014 pending in the court of Sub Divisional Judicial Magistrate, Barh, Patna stands rejected, at least, at this stage.

However, Sub Divisional Judicial Magistrate, Barh, Patna is directed to commit the case of the petitioner to the court of sessions in accordance with law within four 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.

(Hemant Kumar Srivastava, J)

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