

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2051 of 2016

Arising Out of PS.Case No. -130 Year- 2015 Thana -AMAUR District- PURNIA

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1. Bikki Sah Son of Late Ashok Sah resident of village - Bari Idgah, P.S. Amour, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Sikendra Sah Son of Late Raj Kishore Sah resident of village - Chouno, P.S. Baisi, District - Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Mukesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 04-04-2016 Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 304 (B) and 34 of the I.P.C

Pinki Devi, the daughter of the informant, was married to the petitioner five years ago and allegedly due to non fulfillment of demand of dowry she was being tortured and for that earlier case was lodged and on the basis of the compromise Pinki Devi was brought by the petitioner but she was killed by the petitioner and other in-laws.

Submission is of false implication and that there was



cordial relation between the petitioner and his wife after compromise, he never subjected her with cruelty, the witnesses examined are not the eye witnesses, the wife of the petitioner was suffering from convulsion and for that she was admitted to Sadar Hospital, Purnea on 25.07.2015 but she died on 26.07.2015 and thereafter the dead body carrying certificate has been issued by the Sadar Hospital, Purnea on 26.07.2015, vide Annexure-2, wherein the cause of death is mentioned due to cardio respiratory failure, the postmortem report shows otherwise and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the doctor who has conducted the postmortem has found the cause of death due to asphyxia which may be due to throttling and the witnesses during investigation have supported the allegation and further earlier also the petitioner committed cruelty and torture for which the case was lodged.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Amour P.S. Case No. 130 of 2015 pending in the court of

A.C.J.M. Purnea.

However, considering detention of the petitioner, let
the trial be expedited and concluded within nine months.

(Jitendra Mohan Sharma, J)

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