

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13973 of 2016

Arising Out of PS.Case No. -305 Year- 2014 Thana -CIVIL LINE District- GAYA

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1. Munna Upadhyay @ Uma Shankar Upadhyay S/o Late Shiv Babu
Upadhyay R/o Mohalla- Nawagarhi, P.S. Bishnupath, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Shri Buxi SRP Sinha, Senior Advocate
Mr. Mrigendra Pratap Singh

For the Opposite Party/s : Mr. Dasrath Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 14-09-2016 Heard Shri Buxi S.R.P. Sinha, the learned senior

counsel for the petitioner, the learned counsel for the informant as

well as the learned Additional Public Prosecutor.

The petitioner seeks bail in Civil Lines P.S. case No.
305 of 2014, corresponding to Sessions Trial No. 159 of 2015/ 393
of 2015, registered under Section 304(B)/34 of the Indian Penal
Code.

The prayer of petitioner for bail was earlier rejected
by this court vide order dated 03.09.2015 passed in Cr. Misc. No.
20806 of 2015. The petitioner has renewed his prayer for bail as
there is no progress in trial and not even a single witness has been
examined as yet.



Shri Buxi S.R.P. Sinha, the learned senior counsel for the petitioner, submits that marriage of the deceased was solemnized in the year 2004 and the deceased died due to burn injuries on 01.06.2014. There was no demand of dowry. No case was ever lodged under Section 498A of the IPC. The petitioner is in jail for about one and half years.

On the other hand, the learned counsel for the informant submits that deceased herself filed Civil Lines P.S. case No. 195 of 2009 and she apprehended danger on her life at the hands of the petitioner but later on the case was compromised on assurance that petitioner would keep her properly. Ultimately, the deceased was done to death.

It appears that there is specific allegation that the petitioner was torturing his wife and his wife died due to burn injuries.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

From perusal of the report of learned 7th Additional Sessions Judge, Gaya, it appears that the case has already been committed to the Court of Sessions and charges have been framed against the accused but till date no prosecution witness has been examined. The learned 7th Additional Sessions Judge, Gaya is

directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Senior Superintendent of Police, Gaya is directed to ensure the attendance of prosecution witnesses of Civil Lines P.S. case No. 305 of 2014, corresponding to Sessions Trial No. 159 of 2015/ 393 of 2015, in the court of learned 7th Additional Sessions Judge, Gaya so that the trial must be concluded within nine months.

If the trial is not concluded within nine months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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