

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18184 of 2016

Arising Out of PS.Case No. -178 Year- 2012 Thana -DARAUNDA District- SIWAN

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Shambhu Sharma Son of Chhabila Sharma Resident of village -
Rukundipur, P.S. Daraunda, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate.

For the State : Mr. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 01-08-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
24.04.2014 in connection with Daraunda P.S. Case No. 178 of
2012 in S.T. No. 70 of 2014 for the offences instituted under
Sections 304(B) and 120(B)/34 of the Indian Penal Code.

The prosecution story, in brief, is that the daughter of the
informant Pushpa Kumari was married with the petitioner in July,
2012 according to Hindu rites. After marriage the accused persons
started torturing her for demand of motor cycle. He had received
information from Gotini of his daughter to come and enquire the
situation because altercation has taken place. His daughter was
found to be dead.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 24.04.2014. Charge has been framed
on 06.08.2014. The petitioner has got no criminal antecedent.

There is no allegation of tempering of evidence against the petitioner. The petitioner was not present on the alleged date of occurrence. Till date only four witnesses have been examined out of nine charge sheet witnesses. There is no likelihood of the trial being concluded in near future. The last prosecution witness has been examined on 29.07.2015.

On behalf of the State it is submitted that the petitioner is named in the F.I.R and he is the husband of the deceased. The post-mortem report also supports the allegations made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection Daraunda P.S. Case No. 178 of 2012, S.T. No. 70 of 2014 pending in the court of learned Additional District Judge 2nd, Siwan. Anyhow, the Court below is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of this order.

The Superintendent of Police, Siwan, is directed to ensure that the prosecution witnesses are produced on the date fixed by the trial Court.

Let a copy of this order be communicated to the Superintendent of Police, Siwan.

(Sudhir Singh, J)

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