

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20584 of 2016

Arising out of PS.Case No. -341 Year- 2015 Thana -BARBIGHA District- SEKHPURA

Jayant Kumar, son of Vijay Singh, resident of Village- Delhba, P.S.- Barbigha, District- Sheikhpora.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate.

For the Opposite Party : Mr. Dr. Rabindra Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 02-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 22.02.2016 in connection with Barbigha (Keoti O.P.) P.S. Case No. 341 of 2015 for the offences instituted under Sections 304(B) and 201/34 of the IPC.

The accusation is of killing the niece of the informant for non-fulfilment of dowry demand by the accused persons.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.02.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. He has falsely been implicated in the

present case due to mistake of fact. There is no eye witness to the alleged occurrence. The postmortem report indicates it is a case of suicide. No offence under Section 304(B) of the IPC is made out.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. and he is the husband of the deceased. The onus is upon the petitioner to prove the cause of death.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Barbigha (Keoti O.P.) P.S. Case No. 341 of 2015, pending in the court of the learned C.J.M. Sheikhpura. The court below is directed to expedite the trial.

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(Sudhir Singh, J)