

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28639 of 2016

Arising Out of PS.Case No. -63 Year- 2015 Thana -PIRPAINTI District- BHAGALPUR

Binod Yadav son of Sukhdev Yadav Resident of village- Gopalichak, P.S. Pirpainty, District- BHagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 29.02.2016 in connection with Pirpainty P.S. Case No. 63 of 2015 registered for the offence under Section 302/34 of the Indian Penal Code.

The prosecution story, in brief, is that the deceased daughter of the informant was married with the petitioner. After marriage, the petitioner and other co-accused named in the FIR in furtherance of common intention killed the daughter of the informant namely, Lakho Devi after assaulting and sprinkling kerosene oil.

On behalf of the petitioner, it is submitted that the petitioner is in custody since 29.02.2016. Charge-sheet has been submitted in the present case. The petitioner has got no criminal antecedent.

He has falsely been implicated in the present case. Neither there is eye-witness to the alleged occurrence nor any circumstantial evidence to support the allegations made in the FIR. The alleged occurrence is said to have taken place after 10 years of the marriage.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. He is the husband and onus lies against him to explain the cause of death of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The court below is directed to take all necessary steps to expedite and conclude the trial of the petitioner preferably, within a period of one year from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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