

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30970 of 2016

Arising Out of PS.Case No. -146 Year- 2015 Thana -JAMALPUR District- MUNGER

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Chhotu Sah S/o Mahesh Prasad Sah @ Mahesh Prasad, Resident of Khalasi Mahalla, P.S.- Jamalpur, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bamdeo Pandey, Advocate

For the Opposite Party/s : Mr. Dilip Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-09-2016 Heard learned counsel for the petitioner and the State.

The Petitioner seeks bail in Jamalpur P.S. case No.146 of 2015 corresponding to Sessions Trial No.62 of 2016 instituted for the offence under Section 302 of the Indian Penal Code, pending in the court of Additional Sessions Judge 3rd, Munger.

The prosecution story, in brief, is that the daughter of the informant was married with the petitioner on 28.11.2008. On 1.12.2015 the Gotani of his daughter informed her father that his daughter has got burnt injuries. Then the informant and his wife came to the house of the petitioner and found that his daughter is dead. It is further alleged that the husband always assaulted his daughter. The informant used to give money but the petitioner spent the money in gambling. The informant has suspected that

the petitioner has killed his daughter.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 2.12.2015 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the implication of the petitioner. The alleged occurrence is said to have taken place beyond seven years from the date of marriage.

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 onus is upon the petitioner 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 the trial.

(Sudhir Singh, J)

Narendra/-

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