

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29679 of 2016

Arising Out of PS.Case No. -173 Year- 2015 Thana -UJIYARPUR District- SAMASTIPUR

Krishna Mahto S/o Shri Saryug Mahto, resident of Village- Baikunthpur Bahanda, Tole Tara, P.S.- Ujiarpur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 11-11-2016

Heard the counsel for the petitioner.

No one appears on behalf of the State.

The petitioner being the husband of the victim is facing prosecution under section 304-B IPC vide Ujiarpur P.S.Case No. 173 of 2015

The maternal grandfather of the victim lodged the case that his granddaughter was married to the petitioner only 04 years ago whereafter she was tortured on account of non fulfillment of demand of dowry. On the date of occurrence she was burnt to death at her Sasural.

The contention of the petitioner is that the witnesses examined in the case have not claimed themselves as eye-witnesses. They have narrated the incident as hearsay. The

petitioner is in custody since 20.03.2016. The parties have settled the dispute between themselves.

From the post mortem report, it appears that the deceased died of burn injuries while she was at her Sasural. From the order of the learned Sessions Judge it further appears that some witnesses have supported the prosecution cases.

Considering the seriousness of the allegation and other materials reflected from the record, I am not persuaded to extend him the privilege of bail. Prayer is accordingly rejected.

In view of the fact that the petitioner is in custody since March, 2016, it is observed that the trial court shall expedite the trial. In case the trial does not record sufficient/adequate headway/progress within one year, the petitioner shall have liberty to renew his prayer for bail in the court below itself.

(Kishore Kumar Mandal, J)

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