

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45820 of 2016

Arising Out of PS.Case No. -497 Year- 2013 Thana -SHERGHATI District- GAYA

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Satyendra Vishwakarma son of Krishna Vishwakarma Resident of Village-
Bar, P.S.- Sherghati, District-Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh

For the Opposite Party/s : Mr. Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 02-12-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B)/34 of the Indian Penal
Code.

Petitioner happens to be husband of the deceased and
according to prosecution case, deceased died within four years of
her marriage in other than normal circumstances. There is
allegation of illegal demand as well as torturing against the
petitioner and in course of investigation, independent witness
claims that when he came at the house of the petitioner, he found
the deceased hanging from ceiling. The medical report goes to
show that cause of death was asphyxia due to strangulation.



Considering the aforesaid facts and circumstances as well as submissions of the parties, I do not feel it proper to release the petitioner on bail. Hence, his prayer for bail in connection with Sherghati P.S. Case No. 497 of 2013 pending in the court of Additional Chief Judicial Magistrate, Sherghati, Gaya stands rejected, at least, at this stage.

However, learned Additional Chief Judicial Magistrate, Sherghati is directed to commit the case of the petitioner to the court of Sessions in accordance with law within two weeks from the date of receipt/production of copy of this order and after commitment, the concerned Sessions court should expedite the trial of the petitioner and try to conclude the same as early as possible, preferably within four months from the date of framing of the charge. It is made clear that if trial court fails to conclude the trial of the petitioner within the above stated period due to laches of prosecution, the petitioner may renew his prayer for bail before the trial court itself.

(Hemant Kumar Srivastava, J)

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