

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43924 of 2016

Arising Out of PS.Case No. -668 Year- 2013 Thana -BIHTA District- PATNA

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Babloo Sao @ Bablu Saw S/o Ram Nandan Sah R/v- Muslim Raghapur,
P.S.- Bihta, Distt- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Kumar Sinha

For the Opposite Party : Mr. Md. Sufiyan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 304B/34 of the Indian Penal Code and Section 34 of the
Dowry Prohibition Act.

The allegation against the petitioner is of
committing the murder of the deceased due to non-fulfillment of
the demand of dowry.

Earlier the bail application of the petitioner was
rejected vide Annexure-1 to the present application with the
direction to the court below to conclude the trial preferably within
a period of six months from the date of receipt/production of a
copy of the order.



In the light of the said direction, the petitioner preferred his second bail application vide Cr. Misc. No. 12199 of 2016. The said bail application was again rejected with a direction to the court below to conclude the trial preferably within a period of four months from the date of receipt/production of a copy of the order. At that point of time, a report was received, indicated that four prosecution witnesses have already been examined.

In the light of the direction made by the last order, the present application has been preferred. Again a report was called for from the court below. It indicates that only four prosecution witnesses have been examined. It appears that since the second rejection of the bail application of the petitioner, not a single witness has been examined on behalf of the prosecution.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.01.2014. Those four witnesses, who have been examined on behalf of the prosecution, have not supported the prosecution case. Their evidences have been annexed as Annexure-5 series to the present application. It seems that the prosecution lost its interest in the case and there is no chance of trial being concluded in the near future.

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.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Danapur in connection with Sessions Trial No. 970 of 2014, arising out of Bihta P.S. Case No. 668 of 2013, G.R. No. 3090 of 2013.

(Sudhir Singh, J.)

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