

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39420 of 2016

Arising Out of PS.Case No. -139 Year- 2012 Thana -ATRI District- GAYA

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1. KUNAL KUMAR @ KUNAL KUM S/o Late Shrawan Singh resident
of village - Basar, Police Station- Atari, District- Gaya..... Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 29-11-2016

Heard both sides.

The petitioner seeks bail in S. Tr. No. 104 of 2016,
arising out of Atri P.S. case No. 139 of 2012, under Section 304B,
201 of the Indian Penal Code.

The informant alleged that his sister was married to
the petitioner in the year 2006 but the petitioner was always
torturing his sister and he sprinkled kerosene oil and set her
ablaze.

The learned counsel for the petitioner submits that
the occurrence took place on 30.07.2012 but the FIR was lodged
on 15.08.2012. The informant participated in the cremation of
deceased but later on he filed the case making false and frivolous
allegation. The petitioner is in jail since 14.03.2013. The petitioner
has remained in jail for more than three and half years.

On the other hand, the learned Additional Public

Prosecutor opposed the prayer for bail.

It appears that petitioner is the husband of deceased and deceased died due to burn injuries in her Sasural. There is specific allegation against the petitioner that it was he who caused burn injuries to his wife.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected but at the same time since the petitioner is in jail for more than three and half years the learned Additional Sessions Judge-IX, Gaya, who is in seisin of the case, is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order.

The Senior Superintendent of Police, Gaya is directed to ensure the attendance of prosecution witnesses, if not examined, of Atri P.S. case No. 139 of 2012, corresponding to Sessions Trial No. 104 of 2016, in the court of learned 9th Additional Sessions Judge, Gaya so that the trial must be concluded within six months.

If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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