

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17981 of 2016

Arising Out of PS.Case No. -169 Year- 2014 Thana -POTHIYA District- KISANGANJ

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1. Binod Paswan Son of sattan Paswan resident of Inderpur, Police Station -
Paharkatta, District Kishanganj..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. Lallan Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 24-06-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Pothia
(Paharkatta) P.S. Case No. 169 of 2014 registered for the offences
punishable under Sections 307/34 of the Indian Penal Code and
Sections 34 of Dowry Prohibition Act and after investigation
chargesheet has been submitted under Sections 304B, 307/34 of the
Indian Penal Code.

Mukhi Devi, the daughter of the informant, was married to
the petitioner and allegedly, due to non-fulfillment of demand of dowry
she was being assaulted and tortured and ultimately she was burnt by
the petitioner and other in-laws and then she was brought to Kishanganj
Hospital for treatment and during treatment she died.

Submission is of false implication and that there was cordial
relation between the petitioner and his wife, the petitioner was arrested
from the hospital, the wife of the petitioner burnt herself and she has

admitted this fact before witness Harilal Paswan whose statement has been recorded in paragraph 8 of the case diary. Other co-accused have been granted pre-arrest bail vide Cr. Misc. No. 12251 of 2015, the petitioner is suffering in custody since 19.07.2014 having no criminal antecedent and as such the petitioner also deserves sympathetic consideration to which the learned APP opposes by submitting that the statement of victim Mukhi Devi has been recorded in paragraph 21 of the case diary wherein she has stated that she was assaulted by the petitioner and others and she was burnt by them by sprinkling kerosene oil.

In the facts and circumstances stated above, considering the statement of the deceased, the wife of the petitioner, at present, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, learned trial court is directed to expedite the trial and conclude the same as early as possible, preferably within six months from the date of receipt/production of a copy of this order after taking the same on priority basis, failing which the petitioner, if at no fault, is at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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