

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21112 of 2016

Arising out of PS.Case No. -127 Year- 2014 Thana -LALGANJ District- VAISHALI(HAJIPUR)

Rinkesh Kumar @ Rikesh Sharma, Son of Sri Mathura Sharma, resident of village- Sahdullahpur, P.s.- Lalganj, District- Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate.

For the Opposite Party : Mr. A.L.Pandit(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-06-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 22.06.2014 in connection with Sessions Trial No. 439/2015 +02 of 2016, arising out of Lalganj P.S. Case No. 127 of 2014 for the offences instituted under Sections 302 and 201 of the IPC.

The allegation against the petitioner and other co-accused is of killing the sister of the informant for non-fulfilment of additional demand of dowry.

The earlier bail application of the petitioner was rejected vide Cr. Misc. No. 38515 of 2015 dated 08.10.2015 directing the trial court to conclude the trial preferably within a period of six months taking into account that the petitioner is in custody since

22.06.2014.

A report regarding the stage of the case was called for from the trial court. From perusal of the said report, it appears that process has been issued against the witnesses but no prosecution witnesses have been produced till date.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.06.2014. There is no allegation of tampering with the evidence against the petitioner. Merely on suspicion his name has appeared in the present case as the petitioner happened to be the husband of the deceased. The alleged occurrence is said to have taken place after nine years of the marriage

On behalf of the State it has been submitted that the charge was framed on 28.01.2016 and the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and the fact that in spite of issuance of process against the prosecution witnesses none of the prosecution witnesses have appeared on the date fixed after framing of charge, 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-IV, Vaishali at Hajipur in connection with Lalganj P.S.
Case No. 127 of 2014 (Sessions Trial No. 439/2015 + 02/2016).

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(Sudhir Singh, J)