

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45102 of 2014

Arising Out of PS.Case No. -286 Year- 2011 Thana -MARHAURA District- SARAN

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Birendra Singh Kushwaha, Son of Late Gopaljee Singh

.... Petitioner/s

Versus

1. The State of Bihar
2. Jaglal Singh S/o Late Mahajan Singh
3. Kaushalya Devi W/o Jaglal Singh
4. Munni Kumari D/o Jaglal Singh

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Md.Arif(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 26-10-2016

Heard learned counsels for the petitioner and

the State.

The present application has been filed for cancellation of bail to opposite party nos. 2 to 4 being the parents and sister of the husband of the victim, granted vide order dated 16.04.2012 passed in Cr. Misc. No. 12970 of 2012 in connection with Morhowrah P.S. Case No. 286 of 2011 registered for the offences punishable under Sections 304B and 201/34, pending in the court of learned CJM, Saran at Chapra.

The prosecution cased is of killing the daughter of the informant within few months of the marriage, for non-fulfillment of the dowry demand.

On submission of learned counsel for opposite

party nos. 2 to 4 that there is no specific accusation against the opposite party nos. 2 to 4 and the victim died due to illness. Moreover, she was taken to the local doctor who referred to the Sadar Hospital, Chapra and the Sadar Hospital, referred the victim to PMCH but on way to PMCH the victim died. The medical report is on record and considering the thrust of accusation against the husband of the victim, the opposite party nos. 2 to 4 were granted bail.

It is submitted by learned counsel for the petitioner that the medical report of someone else was brought on record and the anticipatory bail application of the husband of the victim was rejected up to the Supreme Court but he has not surrendered till date. The accused persons are threatening the witnesses and the trial has not commenced as yet.

Considering the fact that the parameters of grant of bail and its cancellation are quite different and there is nothing on the record to suggest that opposite party nos. 2 to 4 have misused the privilege of bail, this Court is not inclined to interfere. However, in view of the fact that the case was registered in 2011 and still the trial has not commenced, it is high time for the learned court below to look into the matter and get the trial expedited and conclude the same preferably within a period of one

year.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

