

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33057 of 2016

Arising Out of PS.Case No. -88 Year- 2015 Thana -BISHWAMBHARPUR District- GOPALGANJ

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Santosh Sahni Son of Shiv Balak Sahani, Resident of Village- Baluan Sagar
Raimal, P.S Bishwambharpur, District Gopalganj, Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-10-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Sessions Trial No.594 of 2016 arising out of Bishwambharpur P.S. case No.88 of 2015 (G.R. No.4044 of 2015) instituted for the offence under Section 304(B) of the Indian Penal Code, pending in the court of learned A.D.J. 1st, Gopalganj.

The allegation is that the petitioner had committed the murder of the daughter of the informant due to non-fulfilment of dowry.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.12.2015. Charge has already been framed. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses against the petitioner.

Postmortem report indicates that there is no external injury.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. The onus is upon him to explain the cause of death of the deceased. The F.S.L. report indicates that the deceased died due to poisoning. It is further submitted that the trial of the case is already in progress.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of this order.

The District Magistrate, Gopalganj and the Superintendent of Police, Gopalganj are also directed to ensure that the prosecution witnesses are produced in the court on the date fixed by the Trial Court so that the trial could be concluded within the stipulated period.

Let this order be communicated to the District Magistrate, Gopalganj and the Superintendent of Police, Gopalganj.

Let the F.S.L. report be returned to the Director, Forensic Science Laboratory, Muzaffarpur under the sealed cover.

The Director, Forensic Science Laboratory,

Muzaffarpur is directed to send the said F.S.L. report to the Trial Court as the trial is already in progress.

(Sudhir Singh, J)

Narendra/-

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