

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35379 of 2016

Arising Out of PS.Case No. -120 Year- 2015 Thana -NARHAT District- NAWADA

Bipin Mistry, Son of Arjun Mistry, resident of Gandhi Nagar, P.S. Sitamarhi (Narhat), District – Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate.

For the Opposite Party : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-10-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 10.12.2015 in connection with Narhat (Sitamarhi) P.S. Case No. 120 of 2015 for the offences instituted under Sections 304(B), 201 and 120(B) of the IPC.

The prosecution story, in brief, is that the informant's sister, namely, Jyoti Devi, married in village-Gandhi Nagar, P.S. Sitamarhi, District-Nawada, and her sister was killed by the accused persons including the petitioner by assaulting with knife and burn her by sprinkling Kerosene Oil and all have fled away.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.12.2015 and the charge sheet has

been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. On the alleged date of occurrence, the petitioner was not present. There is no eye witness to the alleged occurrence. It is a case of suicide.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. The paragraph no. 2 of the case diary refers to the seizure list, it has been reported that the blood stained bed sheet alongwith other clothes were seized from the place of occurrence. The dead body of the deceased has already been disposed of without any postmortem.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Narhat (Sitamarhi) P.S. Case No. 120/2015, pending in the court of the learned A.C.J.M.-II, Nawada. The court below is directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of receipt/production of copy of the order.

The District Magistrate, Nawada and the Superintendent of Police, Nawada are also directed to ensure that the prosecution witnesses are produced on the date fixed by the court below so

that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Nawada and the Superintendent of Police, Nawada.

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(Sudhir Singh, J)