

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35880 of 2016

Arising Out of PS.Case No. -72 Year- 2015 Thana -SAHKUND District- BHAGALPUR

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Mukesh Mishra Son of Bikram Mishra resident of village - Rampur Dih,
P.S. Sahkund, District - Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal

For the Opposite Party/s : Mr. Sri Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 15-12-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 328, 304B and 34 of the Indian Penal Code and 3 / 4 of the Dowry Prohibition Act.

Allegation against petitioner is of torturing and killing daughter of informant due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that he is in custody since 17.6.2015. Chargesheet has been submitted against petitioner. Petitioner has got no criminal antecedent. No allegation of tampering of witnesses is alleged against petitioner. Petitioner is named in the F.I.R. There is no direct allegation against petitioner.

On behalf of the State, it is submitted that petitioner is named in the F.I.R. He is husband of the deceased. Onus is upon him to explain the cause of death of the deceased. Viscera report indicates that the deceased has died due to poisoning.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner, same is rejected.



The court below, i.e., 4th Addl. Sessions Judge, Bhagalpur, is directed to take necessary steps to expedite the trial in connection with S.T. no. 423/16 (C) arising out of Sahkund (Sajour) P. S. Case no. 72 of 2015 and conclude the same preferably within a period of one year from the date of receipt/production of a copy of this order.

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

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

(Sudhir Singh, J)

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