

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20671 of 2016

Arising Out of PS.Case No. -6 Year- 2014 Thana -DIGHWARA District- SARAN

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Bashishtha Rai @ Bashisth Rai, Son of late Puchai Rai, Resident of Vilage-
Raipatti, PS Dighwara, Distt Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party : Mr. Anuj Kumar Srivastav (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 05-10-2016

Heard both sides.

Petitioner seeks bail in Sessions Trial no. 609 of 2014
arising out of Dighwara P.S. case no. 6 of 2014 registered under
Sections 304 B, 201/34 of the Indian Penal Code.

Petitioner is the husband and he is alleged to have
brought his wife from her *naihar* on 11.01.2014 and killed her.

It is submitted by learned counsel for petitioner that
the marriage was solemnized in the year 2007. There is no application
of Section 304 B of the Indian Penal Code. The wife of the petitioner
died due to diarrhea. It is further submitted that earlier, bail of the
petitioner was rejected vide order dated 24.12.2014 passed in Cr. Misc.
no. 45564 of 2014. It is submitted that the petitioner has remained in
jail for about 28 months but not even a single witness has been
examined.

Considering the facts and nature of allegation made in the petition and the fact that during incarceration of the petitioner, which is for a period of about 28 months, the prosecution has not been able to examine even a single witness as it appears from the report of 6th Additional Sessions Judge, Saran at Chapra, the abovenamed petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of 6th Additional Sessions Judge, Saran at Chapra in Dighwara P.S. case no. 6 of 2014 subject to the condition that petitioner shall appear on each and every date during the course of trial, failing which, the bail bonds of the petitioner shall be cancelled. The Trial Court is directed to commence the trial on day to day basis.

The Superintendent of Police, Saran is directed to ensure the attendance of witnesses on each and every date and get the trial concluded within six months.

Let a copy of this order be communicated to the learned Court below.

(Prabhat Kumar Jha, J.)

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