

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19634 of 2016

Arising out of PS.Case No. -87 Year- 2013 Thana -LALGANJ District- VAISHALI(HAJIPUR)

=====

Jitendra Tiwary, Son of Late Chhote Lal Tiwary, resident of village -
Kharana, P.S. Lalganj, District – Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Bela Singh, Advocate.

For the Opposite Party : Mr. Shantanu Kumar (App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-06-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 01.10.2013
in connection with Sessions Trial No. 392/2015, arising out of
Lalganj P.S. Case No. 87 of 2013 for the offences instituted under
Sections 304(B) and 201/34 of the IPC.

The accusation is of killing the daughter of the informant
by the accused persons for non-fulfilment of dowry demand.

This is the second attempt for grant of bail on behalf of
the petitioner. Earlier the prayer for bail of the petitioner was
rejected vide Cr. Misc. No. 25310 of 2015 dated 21.07.2015. The
said application was rejected with a direction to the learned trial

court to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of the order.

A report was called for from the trial court regarding the stage of the case. From perusal of the said report, it is evident that two witnesses have been examined and other remaining witnesses are yet to be examined on behalf of the prosecution. Process has already been issued against the witnesses seeking their appearance.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.10.2013. There is no specific allegation against the petitioner nor there is allegation of tempering of evidence against the petitioner. The petitioner has been made accused in the present case due to mistake of fact.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and he is the husband of the deceased.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner. The same is rejected in Sessions Trial No. 392 of 2015, arising out of Lalganj P.S. Case No. 87/2013, pending in the court of the learned Sessions Judge, Vaishali at Hajipur. Anyhow, the trial court is directed to take all necessary steps to conclude the trial preferably

within a period of six months from the date of receipt/production
of copy of this order.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

