

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30384 of 2016

Arising Out of PS.Case No. -334 Year- 2015 Thana -KADAMKUAN District- PATNA

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Rakesh Singh, Son of Ram Kumar Singh, resident of Mohalla West Lohanipur, Police Station Kadam Kuan, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Garg, Advocate.

For the Opposite Party : Mr. Anant Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody in connection with Kadam Kuan P.S. Case No. 334 of 2015 for the offences instituted under Sections 304(B)/34 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act.

The prosecution case, in brief, is that the marriage of the daughter of the informant was solemnized with the petitioner but due to non-fulfillment of the demand of dowry, the deceased was killed by setting her on fire by the accused persons including the petitioner.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.07.2015. The charge sheet has

been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no eyewitness to the alleged occurrence nor there is any circumstantial evidence to suggest the implication of the petitioner.

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. The onus is upon the petitioner to explain the cause of death of the deceased. The deceased is said to have died due to burn injury.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Kadam Kuan P.S. Case No. 334 of 2015, pending in the court of Sri Madhvendra Singh, Judicial Magistrate, 1st Class, Patna.

Anyhow, the trial court is directed to take all necessary steps to expedite the trial as early as possible.

(Sudhir Singh, J.)

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