

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20905 of 2016

Arising Out of PS.Case No. -155 Year- 2013 Thana -SIKARPUR District- WEST CHAMPARAN
(BETTIAH)

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1. Baijnath Sah @ Baidyanath Sah Son of Sri Asharfi Sah resident of
village - Ajuwa, P.S. Shikarpur, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 11-05-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has renewed his application for bail in
connection with Sessions Trial No.1023 of 2013 arising out of
Shikarpur P.S.Case No. 155 of 2013 registered under Section 304-
B/34 of the Indian Penal Code.

Earlier the application for bail of the petitioner was
rejected by this Court vide order dated 20th March, 2014 passed in
Cr.Misc. No. 48955 of 2013.

It is submitted by the learned counsel for the
petitioner that all independent witnesses have been examined
during trial and the matter is pending in the court below only for
the deposition of the Investigating Officer of the case. He has
submitted that the petitioner has got a good case on merits and the
trial is being protracted only due to non-examination of the

Investigating Officer. He has submitted that under the compelling circumstances the petitioner, who is in custody since 28.05.2013, has been advised to file the present application for bail as there is no likelihood of conclusion of the trial in near future.

I have heard learned counsel for the petitioner and perused the record.

The petitioner being husband of the deceased is alleged to have killed his wife in her matrimonial home due to non-fulfillment of demand of dowry. The offence is serious in nature and the trial is at its fag end. In that view of the matter, I am not inclined to grant bail to the petitioner even though he is languishing in custody as an under-trial prisoner since long.

However, the concern of the petitioner cannot be overlooked. The prosecution is duty bound to produce its witnesses before the court promptly. Hence, I direct the Superintendent of Police, West Champaran at Bettiah to personally look into the matter and ensure that the Investigating Officer of the case is produced before the trial court without any delay.

Let a copy of the order be transmitted to the Superintendent of Police, West Champaran at Bettiah forthwith.

(Ashwani Kumar Singh, J)

Pradeep/-

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