

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50730 of 2015

Arising Out of PS.Case No. -22 Year- 2013 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

Sunil Sharma, Son of Late Bhagwat Thakur, resident of village - Belwa,
P.S. - Palanwa, District - East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shakti Suman Kumar, Advocate.

For the Opposite Party : Mr. Nirmal Kr.Sinha(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 26-09-2016 In pursuance to the order dated 29.03.2016, an
explanation has been filed. The explanation of the 6th Additional
Sessions Judge, East Champaran at Motihari, is at Flag-A.

Considering the submissions made in the said
explanation, the same is accepted.

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

The petitioner is languishing in custody since 28.09.2013
in connection with Sessions Trial No. 215 of 2015, arising out of
Palanwa P.S. Case No. 22 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

due to non-fulfilment of dowry demand by the accused persons.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.09.2013 and the charge has been framed in the present case. He has got no criminal antecedent. There is no allegation of tampering of the witnesses alleged against the petitioner. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest his implication in the present case.

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 strangulation as per the postmortem report.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Sessions Trial No. 215 of 2015, arising out of Palanwa P.S. Case No. 22 of 2013, pending in the court of the learned A.D.J. 2nd, East Champaran at Motihari. The court below is directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of receipt/production of copy of the order.

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(Sudhir Singh, J)