

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15461 of 2016

Arising Out of PS.Case No. -29 Year- 2014 Thana -KARJAIN District- SUPAUL

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Sanjay Baitha Son of Ram Ratan Safi, Resident of Village - jagdishpur,
P.O. + P.S. - Karjain, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmeshwar Mehta

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 21-07-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner is languishing in custody since
13.08.2015 in connection with Karjain P.S. Case No.29 of 2014
for the offence under Section 307/34 of the I.P.C. Later on Section
302 of the I.P.C. was also added.

The prosecution case, in short, is that the victim girl
who was the informant herself, was married with this petitioner
about 12 years ago and from their wedlock she has been blessed
with two sons who are aged about 2 ½ years and 6 months
respectively. It is further alleged that since last one year her
husband and in-laws used to torture and assault her because her
husband was intending to marry another lady. On 13.05.2014 the

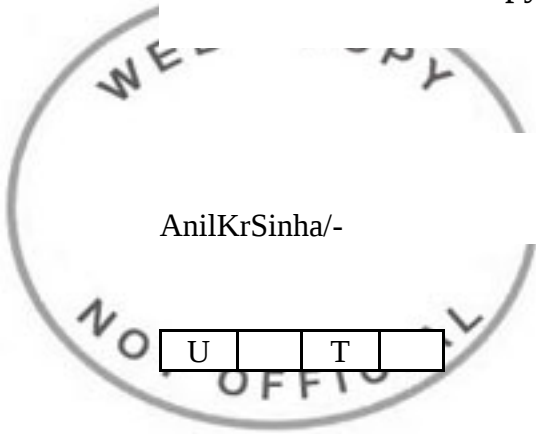
husband of the victim girl along with her in-laws poured kerosene oil and ignited fire on account of which she sustained burn injury. She was taken to the Referral Hospital by the villagers. Ultimately, she succumbed to her injuries.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.08.2015 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering with the evidence against the petitioner. There is no direct or indirect evidence against the petitioner. The case was instituted for an offence under Section 307 of the I.P.C. Subsequently, after ten days after the death of the informant Section 302 of I.P.C. was added.

On behalf of the State it is submitted that the petitioner is the husband of the deceased. The F.I.R. is the dying declaration of the deceased wherein it has been alleged that she was done to death by the petitioner and the others.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Karjain P.S. Case No.29 of 2014, pending in the court of J.M., Birpur, Supaul. Anyhow, 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
a copy of this order.



(Sudhir Singh, J)