

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.515 of 2016

Arising Out of PS.Case No. -351 Year- 2009 Thana -SAUR BAZAR District- SAHARSA

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1. Paltan Yadav S/o Late Raghu Nandan Yadav resident of Village-
Kishanpur, P.S.- Saur Bazar (Patarghat O.P.), District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Hirday Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 30-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being husband of the daughter of the informant, who is languishing in custody since 4.1.2012, has renewed his prayer for bail in a case registered for the offences punishable under Sections 304B and 498/34 of the Indian Penal Code.

The accusation is of killing the daughter of the informant by administering poison after four years of marriage for non fulfillment of dowry demands.

It is submitted by learned Senior counsel for the petitioner that the postmortem report negates the accusation as no mark of injury has been found on the body of the victim and the viscera has been preserved.

The earlier bail application of the petitioner was rejected vide order dated 29.1.2013 passed in Cr. Misc. No. 24889 of 2012 with a direction to the learned trial court to consider the bail application of the petitioner if the trial is not concluded within six month from the date of order.

This court, vide order dated 25.7.2016 called for a report from the learned trial court as to under what circumstances the trial could not be concluded and the period in which the trial was likely to be concluded. Thereafter, fresh report was called vide order dated 17.8.2016 from the learned trial court as to why the trial has not been concluded within the stipulated time in spite of the intimation by the learned trial court below.

Perused the reports of the learned Ist Additional Sessions Judge, Saharsa dated 9th August, 2016 and 22nd August, 2016. Both the reports are not in consonance with the orders of this court as they do not reflect as to when charges were framed and what steps were taken to conclude the trial. It is obvious from the report that the learned trial court failed to peruse the earlier orders of this court which reflects the casual manner in which the learned Ist Additional Session Judge, Saharsa is conducting trial. The report further reflects that no witness has been examined till date.

In view of the observation made by the co-ordinate bench of this Court in Cr. Misc. No. 24889 of 2012 and the fact that trial is not likely to be concluded in near future, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – II, Saharsa in connection with S. Tr. No. 239 of 2010 / 97 of 2012 arising out of Saur Bazar (Patarghat OP) P.S. Case No. 351 of 2009.

Let the order also be communicated to the learned District and Sessions Judge, Saharsa.

(Dinesh Kumar Singh, J)

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