

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27358 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -MOHAMMADPUR District- GOPALGANJ

1. Harendra Sharma Son of Mahesh Sharma Resident of Village - Shitalpur,
Police Station - Mohammadpur, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 09.09.2016 Heard learned counsel for the petitioner as well as learned

Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section
304B/34 of the Indian Penal Code.

Petitioner happens to be husband of the deceased and
admittedly, deceased died in other than normal circumstances which is
corroborated from perusal of the post mortem report. There is
allegation that deceased was put to cruelty by the petitioner and his
other family members due to non-fulfillment of illegal demand.

Learned counsel for the petitioner having relied upon para
9 of the case diary submits that in further statement, informant has
specifically stated that deceased used to reside at her parental home
and she was a lady of short tempered. He further submits that
informant also admitted that two children were born out of the
wedlock and therefore, both the aforesaid circumstances go to show

that behaviour of the petitioner was good with the deceased but deceased being lady of short tempered committed suicide.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Mohammadpur P.S. Case no. 01/2016 stands rejected.

However, Addl. Chief Judicial Magistrate I, Gopalganj/ concerned court is directed to commit the case of the petitioner to the court of sessions within two weeks in accordance with law from the date of receipt/production of a copy of this order and after that the concerned sessions court shall expedite the trial of the petitioner and try to conclude the same as early as possible, preferably, within six months from the date of receipt of the record in sessions court, failing which petitioner shall be at liberty to renew his prayer for bail before the trial court itself.

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(Hemant Kumar Srivastava,J)

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