

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51185 of 2017

Arising Out of PS.Case No. -147 Year- 2016 Thana -SAHKUND District- BHAGALPUR

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1. Sarvesh Pandit @ Sarvesh Kumar @ Savesh Kumar, S/o Indradeo Pandit, Resident of Village Tateriya P.S. Sahkund (Sajour), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 20-12-2017 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with S.T. No. 404/17 arising out of Shahkund (Sajour) P.S. Case No. 147 of 2016 registered under Section 304-B of the Indian Penal Code.

Petitioner is said to have committed murder of his wife along with other accused persons over dowry demand.

It has been submitted by the learned counsel for the petitioner that deceased was a short tempered lady and committed suicide by hanging herself from the ceiling of the house in absence of the petitioner. There is no eye witness of the occurrence. Petitioner is languishing in custody since 24.01.2017.



On the other hand, learned APP citing various paragraphs of the case diary submitted that the petitioner happens to be the husband of the deceased and he along with his younger brother has committed murder of the deceased over dowry demand by hanging her from ceiling of the house. Doctor has also found ligature mark between chin and thyroid cartilage and the cricoid bone fractured. On dissection of neck the tracheal mucosa was found deeply congested and contained some blood clots, which is not possible in the case of hanging rather by pressing the neck of the deceased.

In the facts and circumstances of the case, I am not inclined to grant bail to the petitioner and accordingly, his prayer for regular bail stands rejected in connection with S.T. No. 404 of 2017 arising out of Shahkund (Sajour) P.S. Case No. 147 of 2016 pending before learned Additional Sessions Judge-V, Bhagalpur.

However, the learned court below is directed to expedite the trial and conclude the same as early as possible, preferably within nine months from the date of receipt or production of copy of this order.

(Prakash Chandra Jaiswal, J)

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