

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5470 of 2017

Arising Out of PS.Case No. -55 Year- 2015 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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Amit Kumar @ Moni, Son of Ram Ugras Chaudhary, resident of Village-
Pirapur, P.S. Jandaha, District- Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate.

For the Opposite Party : Mr. Yogendra Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-02-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 17.10.2016
in connection with Jandaha P.S. Case No. 55 of 2015 for the
offences instituted under Section 304(B)/34 of the I.P.C.

The accusation is of killing the daughter of the informant
by accused persons due to non-fulfilment of dowry demand.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 17.10.2016 and the charge sheet has
been submitted in the present case. There is no allegation of
tampering of the witnesses alleged against the petitioner. He has
got no criminal antecedent. The petitioner has been made accused
in the present case due to mistake of fact. The informant vide



Annexure-2 to the present application has filed a petition before the learned court below that the case was instituted due to mistake of fact. It is further submitted that the case has already been committed to the Court of Sessions.

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.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Jandaha P.S. Case No. 55 of 2015, pending in the court of the learned A.C.J.M.-XI, Vaishali at Hajipur. Anyhow, the court below is directed to take all necessary steps to conclude the trial preferably within a period of ten months from the date of receipt/production of copy of the order since the case has already been committed to the Court of Sessions.

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(Sudhir Singh, J)

