

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54778 of 2016

Arising Out of PS.Case No. -88 Year- 2016 Thana -OBRA District- AURANGABAD

=====

1. Harun Rashid @ Harun Rasid, son of Umar Ansari @ Md. Umar,
Resident of Village- Bel, Police Station- Obra, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nivedita Nirvikar
Mr. Manoj Kumar
Ms. Meenaxi Singh

For the Opposite Party/s : Mr. Indra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-02-2017 The petitioner is in custody since 16.06.2016 in connection with Obra P.S. Case No. 88 of 2016, registered for offences punishable under Section 304B/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that no doubt this is a case of asphyxia due to strangulation causing death to the deceased, however, no sign of violence or struggle appeared on the person of the deceased and also no witnesses from the petitioner's village have been examined to verify the authenticity of the occurrence and in a very perfunctory manner, the investigation has been completed and charge-sheet has been filed and the witnesses, who have supported the case of the prosecution,



are the villagers of the informant. The petitioner has been languishing in judicial custody since 16.06.2016

Learned counsel, appearing on behalf of the State opposed the prayer of bail and submitted that the petitioner is the husband of the deceased and the case is under Section 304B/34 of the Indian Penal Code and supervising authority during the course of enquiry has also found the case true against the petitioner and, therefore, he does not deserve the privilege of regular bail.

Having heard both sides, it appears from perusal of the case diary that several witnesses have supported the case of the prosecution. The post mortem report suggest death caused due asphyxia resulting from strangulation and the supervising authority during his enquiry has also find the case against the petitioner true, I am not inclined to grant the petitioner, the privilege of regular bail, it is, accordingly, rejected.

However, since the petitioner has remained in judicial custody for about eight months, the trial court is directed to expedite the trial and try to conclude it as early as possible.

(Vinod Kumar Sinha, J)

sunil/-

U			
---	--	--	--

