

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49748 of 2016

Arising Out of PS.Case No. -96 Year- 2014 Thana -JAMHORA District- AURANGABAD

Sanjay Ram, Son of Late Ganauri Ram, resident of Village- Pipra, P.S. Jamhor, District-Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mrs. Leelawati Kumari, Advocate.

For the Opposite Party : Mr. Anuj Kumar Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 08-02-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 14.08.2014 in connection with Jamhore P.S. Case No. 96 of 2014 for the offences instituted under Sections 364(B)/34 of the IPC.

The prosecution case, in brief, is that the deceased was married with this petitioner on 29.04.2013 and since the time of marriage, the petitioner was giving threatening for fulfilment of further dowry demand and due to non-fulfilment of dowry demand, the deceased has been caused to death by this petitioner by throttling on 08.08.2014 at 2.00 P.M. It is alleged that this petitioner alongwith other co-accused persons named in the F.I.R. are involved in the dowry death of the deceased.



The earlier bail application of the petitioner was rejected vide Annexure-1 to the present application. A report has been called for from the learned court below regarding the stage of the case. It has been reported that the charge has been framed and once the trial commences it is expected that the trial will be concluded within a period of six-seven months.

This is second attempt on behalf of the petitioner for grant of bail.

It has been submitted on behalf of learned counsel for the petitioner that the petitioner is in custody since 14.08.2014. He has got no criminal antecedent. He has been made accused in the present case due to mistake of fact. In fact, it is a case of suicide.

It has been submitted on behalf of learned counsel for the State that the petitioner is the husband of the deceased and the onus is upon the petitioner to explain the cause of death of his wife.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Jamhore P.S. Case No. 96 of 2014(Sessions Trial No. 258 of 2016/58 of 2016), pending in the court of the learned Additional District and Sessions Judge-IV, Aurangabad. The court below is directed to take all necessary steps to conclude the trial preferably



within a period of one year from the date of receipt/production of copy of the order.

The District Magistrate, Aurangabad and the Superintendent of Police, Aurangabad are also directed to ensure that the prosecution witnesses are produced in the court on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Aurangabad and the Superintendent of Police, Aurangabad.

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(Sudhir Singh, J)

