

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19164 of 2016

Arising Out of PS.Case No. -444 Year- 2013 Thana -KRITYANAND NAGAR District- PURNIA

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Md. Mubarak @ Md. Mubarak Hussain Son of Abdul Hakim Resident of
Village - Bansar Naya Tola, P.S. Sri Nagar, District - Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Veena Kumari Jaiswal (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 23-08-2017

The matter has been taken up out of turn on
the prayer of the learned counsel for the petitioner.

Heard learned counsel for the petitioner and
the State.

The petitioner, being the husband of the
victim, has renewed the prayer for bail in a case registered for the
offences punishable under Sections 304B and 498A of the Indian
Penal Code.

The accusation is of killing the daughter of
the informant for non-fulfillment of the dowry demand.



It is submitted by learned counsel for the petitioner that in the subsequent statement the informant has stated that the marriage was performed 8 to 9 years prior to the occurrence. Hence, as per own admission of the informant the case does not come within the purview of Section 304B of the Indian Penal Code. The victim was suffering from some pregnancy complications for which medical assistance was provided to her.

The report of the learned 1st Additional Sessions Judge, Purnea dated 22nd of July, 2017 reflects that the prosecution evidence was closed and the case was posted for recording the statement of the accused under Section 313 Cr.P.C. whereupon the additional charge was framed under Section 302/34 of the Cr.P.C. but neither the prosecution nor the defence chose to adduce any evidence, as a result, again the case posted for recording statement of the accused under Section 313 Cr.P.C. on 26.07.2017. Hence, the trial is likely to be concluded within a period of one month.

Considering the advance stage of the trial, this Court is not inclined to revise its earlier order. Accordingly, this application is disposed of.

It is expected from learned trial Court to



conclude the trial of Sessions Trial No. 69 of 2015, arising out of K. Nagar (Sri Nagar) P.S. Case No. 444 of 2013 within the time frame transmitted to this Court.

(Dinesh Kumar Singh, J)

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