

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53239 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -SAKRA District- MUZAFFARPUR

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Md. Kalim S/o Fida Hussain, R/o Village- Mirapur, P.S.- Sakra, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Neeraj Kumar Alias Sanidh, Advocate.

For the Opposite Party : Mr. Satyadev Prasad Singh Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 13-12-2017 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned counsel for the State.

The petitioner is languishing in custody since 13.04.2017 in a case for the offence registered under Sections 498(A) and 304(B)/34 of the IPC.

The prosecution story, in brief, is that the accused persons including the petitioner killed the victim due to non-fulfillment of demand of dowry.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the



petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. There is no substantive evidence to suggest his implication in the present case. There is no eye witness to the alleged occurrence.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R. He is husband of the deceased. The onus is on him to explain the cause of death of the deceased. The Viscera report also supports the allegations made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sakara P.S. Case No. 40 of 2017, pending in the court of learned 13th Sub Judge-cum-A.C.J.M., Muzaffarpur. The court below is directed to take all necessary steps to expedite the trial.

Let the Viscera report be sent back under sealed cover to the Director, Forensic Science Laboratory, Muzaffarpur.

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(Sudhir Singh, J)

