

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55059 of 2017

Arising Out of PS.Case No. -395 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

=====

Bhunesh Sah, Son of Bindeshwari Sah, Resident of village- Ghoghiya, P.S.-
Jitna, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Mr. Nityanand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
25.12.2015 in connection with Sessions Trial No. 544 of 2016,
arising out of Ghorasahan (Jitna) P.S. Case No. 395 of 2015 for
the offence registered under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that the informant's
sister was married with the petitioner nine years ago. On
20.11.2015 at 8.00 A.M., the informant received information that
in-laws of his sister have committed her murder and burnt her
dead body. On this information, the informant had gone there.
From the Villagers, the informant came to know that in the



previous night, his brother-in-law Bhuneshwar Sah had come at home in drunken state and started abusing to his sister and when she protested then the accused persons including the petitioner caused hurt to her and Bhuvneshwar Sah had pierced throat of the informant's sister by knife, as a result of which, she died.

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

Earlier first bail application of the petitioner was rejected vide Cr. Misc. No. 30025 of 2016 dated 22.09.2016 and second bail application of the petitioner was rejected vide Cr. Misc. No. 2886 of 2017 taking into account that the petitioner is the husband of the deceased and onus is him to explain the cause of death of the deceased.

A report was called for from the court below regarding the stage of the case. It has been reported that out of seven prosecution witnesses, three prosecution witnesses have already been examined and within a period of nine months the trial is expected to be concluded.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 544 of 2016, arising out of Ghorasahan (Jitna) P.S. Case No. 395 of 2015, pending in the



court of learned 9th Additional Sessions Judge, East Champaran at Motihari.

The court below is directed to take all necessary steps to conclude the trial within a period of nine months from the date of receipt/production of copy of this order.

The District Magistrate, East Champaran at Motihari and the Superintendent of Police, East Champaran at Motihari are directed to ensure that the prosecution witnesses are produced on the date fixed by the court below so that the trial court be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, East Champaran at Motihari and the Superintendent of Police, East Champaran at Motihari.

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(Sudhir Singh, J)

