

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50429 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -NAUHATTA District- SAHARSA

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Pawan Ram, Son of Late Chhathu Ram, resident of Village- Bhuwar, P.S.-
Nauhatta, District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate.

For the Opposite Party : Mr. Uday Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 23-03-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
27.02.2017 in a case for the offence registered under Sections
498(A), 328 and 302 of the IPC.

The prosecution story, in brief, is that the marriage of
the petitioner was solemnized with the sister of the informant in
the year 2017 and since three to four months prior to the date of
alleged occurrence, this petitioner used to ask his sister to left her
in-laws house so as to he may remarry with another woman. The
petitioner also given threatening to kill her by administering
poison and lastly killed his sister by administering poison.

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 mistake of fact. There is no eye witness to the alleged occurrence nor there is any substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. and he is the husband of the deceased. The onus is upon the petitioner to explain the cause of death of the deceased. 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 Nauhatta P. S. Case No. 39/2016, pending in the court of learned A.C.J.M.-III, Saharsa.

The court below is directed to expedite the trial.

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(Sudhir Singh, J)

