

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4080 of 2018

Arising Out of PS.Case No. -109 Year- 2015 Thana -CHANDI District- BHOJPUR

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1. Satyendra Yadav S/o Late Jeev Rakhan Yadav, R/o Village- Bhagwatpur,
P.S.- Chandi, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 25-04-2018

Heard both sides.

The petitioner seeks bail in Chandi P.S. case No.
109 of 2015 registered under Section 304B, 201/34 of the Indian
Penal Code.

The learned counsel for the petitioner submits that
petitioner is husband of deceased. The prayer for bail of the
petitioner was earlier rejected vide order dated 07.04.2017 passed
in Cr. Misc. No. 11169 of 2017 with a direction to the learned
Judicial Magistrate to commit the case to the Court of Sessions
forthwith and upon such the learned trial Judge shall make all
efforts to conclude the trial within one year from the date of
commitment of the case but the case itself was committed on
02.04.2018 and the trial has not yet been concluded. On such a



report was called for but the matter remains that the trial has not yet been commenced although charge has been framed.

From the report of learned ACJM-VI, Bhojpur, Ara, it appears that case record was pending in another court and the record was transferred to his court from the court of ACJM-IV on 21.11.2017 as the court of ACJM-IV remained vacant. Accused Rajendra Yadav did not appear and for procuring his appearance non bailable warrant was issued but later on it was reported that Rajendra Yadav died on 19.01.2017. Rajendra Yadav happens to be own brother of the petitioner and close relative of other accused persons but the accused persons did not inform the court about the death of Rajendra Yadav causing inordinate delay in commitment of the case.

There is specific allegation that petitioner, being the husband of deceased, subjected his wife to torture and after killing her cremated her dead body on 28.11.2015 itself. The wife of the petitioner was killed within two years of her marriage. The petitioner is in jail since 08.09.2016.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for bail is rejected.

The trial court is directed to hold the trial on day to



day basis and conclude the same within nine months from the date of receipt of the order.

The Superintendent of Police, Bhojpur, Ara is directed to ensure the attendance of all the prosecution witnesses of Chandi P.S. case No. 109 of 2015 in the trial court so that the trial must be concluded within nine months.

If the trial is not concluded within nine months, the petitioner may renew his prayer for bail.

Let a copy of this order be sent to learned Sessions Judge/ Trial Judge, Bhojpur, Ara as well as Superintendent of Police, Bhojpur, Ara for information and needful.

(Prabhat Kumar Jha, J)

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