

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15386 of 2018

Arising Out of PS.Case No. -194 Year- 2016 Thana -BANMANKHI District- PURNIA

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1. Prakash Kumar Saha @ Babul @ Prakash Kumar, S/o Late Vishwanath Saha, Resident of Village- Banmankhi, Gupta Patti, Ward No.-8, P.S.- Banmankhi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 27-06-2018 Heard both sides.

The petitioner seeks bail in Banmankhi P.S. Case No.194/2016, S.T. No.369 of 2017, registered under Sections 304(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is husband of the deceased, therefore the bail of the petitioner was earlier rejected vide order dated 22.06.2017 passed in Cr. Misc. No.21110 of 2017 but since then not a single witness has been examined although charges were framed on 09.11.2017. The petitioner is in jail since 01.12.2016.

The learned A.P.P. vehemently opposed the prayer for bail.



It appears that the petitioner is husband of the deceased. The deceased immediately before the occurrence informed her sister that her husband and others are went upon to kill her due to non-fulfillment of the demand of dowry.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the same is rejected. Since the petitioner is in jail since 01.12.2016, the Trial Court is directed to hold the trial on day to day basis and conclude the same within 8 months from the date of receipt of this order.

The Superintendent of Police, Purnea is also directed to ensure the attendance of the prosecution witnesses in the trial court in connection with Banmankhi P.S. Case No.194/2016, S.Tr. No.369 of 2017, so that the trial must be concluded within 8 months.

Let a copy of this order be sent to the Trial court as well as Superintendent of Police, Purnea for information and needful.

The trial court shall report this court if the S.P., Purnea failed to ensure the attendance of the prosecution witnesses.

(Prabhat Kumar Jha, J)

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