

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63498 of 2017

Arising Out of PS. Case No.-299 Year-2016 Thana- KUDRA District- Bhabhua (Kaimur)

Umesh Ram S/o Dayashankar Ram, R/o Village- Devradh Kala, P.S.- Kudara,
District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. SHYAM KUMAR SINGH

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 07-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 307, 326, 498A, 34 of the Indian Penal Code in which charge-sheet has been submitted under Section 304B/34 IPC.

Allegation against the petitioner is of committing torture upon the victim and thereafter killed her due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.04.2017 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been



implicated in the present case due to petty family dispute. It has further been submitted that five prosecution witnesses have already been examined in this case. None have supported the prosecution case. There is no eye witness to the alleged occurrence.

On behalf of the State, it is submitted that the petitioner is the husband of the deceased. The F.I.R. is the dying declaration of the deceased. The onus is on him to explain the cause of the death of the deceased. The post-mortem report supports the allegation made in the F.I.R..

Considering the above, I am not inclined to grant bail to the petitioner. Prayer is rejected. The Trial Court is directed to expedite the trial and conclude the same preferably within 9 months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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