

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35457 of 2018

Arising Out of PS.Case No. -169 Year- 2017 Thana -ISHAKCHAK District- BHAGALPUR

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Dinesh Prasad Azad, Son of Faujdari Rajak, Resident of Ganganagar, Gali No.5, P.S.- Kahalgaon, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prashant Sinha, Advocate.
For the State : Smt. Nirmala Kumari, A.P.P.
For the Informant : Mr. Subodh Prasad and Mrs. Madhu Prasad,
Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-07-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in custody since 12.12.2017 in a case for the offence registered under Sections 304(B) and 120(B) of the IPC.

The prosecution story, in brief, is that the accused persons including the petitioner killed the victim due to non-fulfilment of demand of dowry.

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 been made accused 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 counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R/ complaint case. The onus is on the petitioner to explain the cause of death of the deceased. In the postmortem report also external injuries were found on the body of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Ishakchak P.S. 169 of 2017, pending in the court of learned C.J.M. Bhagalpur.

Learned court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

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