

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43806 of 2017

Arising Out of PS.Case No. -35 Year- 2015 Thana -MAHILA P.S. District- LAKHISARAI

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1. Naresh Rajak Son of Late Brahmdeo Rajak, R/o Nigha Colliery Muslim Mohalla, P.S.- Jamaria, District- Vardhmaan (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 22-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is languishing in custody since 17-10-2016 in Lakhisarai P.S. Case No. 35 of 2015, initially registered under Sections-498(A), 323, 504, 406, 34, 498A of the Indian Penal Code and ¾ of Dowry Prohibition Act and later on, Section-302 of the Indian Penal Code was also added.

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

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Charge sheet has already been submitted in the present case. There is no allegation of



tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. There is no eye witness to the alleged occurrence. There is no substantive evidence to suggest the implication of the petitioner in this case.

On behalf of the State, it is submitted that the petitioner is husband of the deceased. The petitioner is named in the F.I.R. Number of witnesses in course of investigation, have supported the allegations made in the FIR. The dead body has been disposed of without getting postmortem of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to release the petitioner on bail and the same is rejected.

The learned court below is directed to take all necessary steps to conclude the trial as early as possible, preferably within one year from the date of receipt of copy of this order.

(Sudhir Singh, J)

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