

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38974 of 2018

Arising Out of PS.Case No. -108 Year- 2015 Thana -BARBIGHA District- SEKHPURA

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1. Bablu Paswan S/o Lala Paswan, R/o Vill.- kazichak, Baijnathpur, P.S.-
Barbigha (Kevati O.P.), District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed. Rizwanul Haque

For the Opposite Party/s : Mr. S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 19-09-2018 Heard learned counsel for the petitioner. Nobody appears
on behalf of the State.

The petitioner seeks bail in Barbigha(Kevati O.P.) P.S.
Case No.108 of 2015 registered under Section 304B and 34 of the
Indian Penal Code.

The learned counsel for the petitioner submits that the
prayer for bail of the petitioner was earlier rejected vide order
dated 16.12.2016 passed in Cr. Misc. No.43695 of 2016. Petitioner
is in jail since 09.06.2016. The petitioner has already remained in
jail for more than two years and three months but it appears that
the petitioner is the husband of the deceased and there is allegation
against the petitioner that petitioner killed his wife by sprinkling
kerosene oil on her body within three months of her marriage.



Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

Perused the report of Radhey Shyam, Judicial Magistrate 1st class, Sheikhpura. From the report, it appears that the Judicial Magistrate sat over the matter and did not commit the case of the petitioner who is in custody. There is a provision for commitment of the case even other accused is/are absconders.

In this view of the fact, learned Judicial Magistrate is directed to commit the case forthwith to the court of Sessions and on such, learned Sessions Judge shall ensure immediate commencement of trial of the case so that the trial must be concluded within nine months.

Let a copy of this order be sent to Judicial Magistrate who is seisin of the case as well as learned Sessions Judge for information and needful.

(Prabhat Kumar Jha, J)

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