

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57971 of 2018

Arising Out of PS.Case No. -18 Year- 2014 Thana -ARA NAGAR District- BHOJPUR

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Sunny Kumar Gupta, S/o- Tarkeshwar Prasad, R/o Mohalla- Gausganj, P.S.
Ara (Town), District- Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ravindra Kumar, Advocate.

For the Opposite Party : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 31-10-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
11.01.2014 in a case registered for the offence under Sections 341,
342, 323, 326, 307 and 498(A)/34 of the IPC. Later on, Section
304(B) of the IPC was also added.

The prosecution story, in brief, is that on 10.01.2014
at about 7 O'clock the informant returned from outside after
meeting call of nature then cousin father-in-law told her husband
and other in-laws that she has returned after blackening her face
and after handing over rope asked to kill her. Earlier also her
mother-in-law and husband used to torture her for demand of cash
Rs. 2,00,000/- and Motorcycle otherwise she will be killed and on



protest she was assaulted. On the date of occurrence, her cousin father-in-law levelled allegation and alongwith his mother-in-law, brother-in-law (*Dewar*) and husband assaulted and poured Kerosene Oil then she tried to flee away but fell down. Thereafter, mother-in-law, Nirmala Devi ignited matchstick and thrown upon her anyhow fire was controlled with help of neighbours who arrived on shout. They have kept her in the house and talking to throw her in the night after death. Besides other organ her ten fingers are burnt and she was taken by co-villagers at Sadar Hospital, Ara where treatment is going on.

This is third attempt on behalf of the petitioner for grant of bail.

Earlier two bail applications of the petitioner were rejected vide Cr. Misc. No. 38785 of 2015 order dated 08.10.2015 and Cr. Misc. No. 15311 of 2017 order dated 10.05.2017 taking into account that the petitioner is husband of the deceased and it is a case for an offence under Section 304(B) of the IPC.

A report was called for from the court below regarding the stage of the case. It has been reported that all prosecution witnesses have been examined except for doctor.

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



in connection with Sessions Trial No. 101 of 2014, arising out of Ara Town P.S. Case No. 18 of 2014, pending in the court of learned Adhoc Additional District and Sessions Judge-8th, Bhojpur at Ara.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of three months from the date of receipt/production of copy of this order.

The District Magistrate, Bhojpur at Ara, Superintendent of Police, Bhojpur at Ara and the Civil Surgeon-cum-Chief Medical Officer, Bhojpur at Ara are directed to ensure that the prosecution witness (doctor) is produced in the court on the date fixed by the court below so that trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Bhojpur at Ara, the Superintendent of Police, Bhojpur at Ara and the Civil Surgeon-cum-Chief Medical Officer, Bhojpur at Ara.

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(Sudhir Singh, J)

