

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2627 of 2019

Arising Out of PS. Case No.-361 Year-2017 Thana- MOUZAHDIPUR District- Bhagalpur

Nikhil Kumar Sah @ Nikhil Kumar, aged about 25 years (M), Son of Ajay Sah, resident of Mohalla-Aliganj, P.S-Mojahidpur(Babarganj), Dist.- Bhagalpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate and Mr.Dr. Anand Kumar, Advocate.

For the Opposite Party : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 15-04-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 30.11.2017 in a case for the offence registered under Section 304(B)/34 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 falsely been implicated in the



present case. There is no substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence. There is no demand of dowry.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. The petitioner is the husband of the deceased. The postmortem report also supports the allegation made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Mojahidpur (Babarganj) P.S. Case No. 361 of 2017, pending in the court of learned Additional District Judge-Ist, Bhagalpur.

As per the report submitted by the learned court below, it has been stated that only Doctor and Investigating Officer are to be examined in the present case and the trial is expected to be concluded within a period of four months.

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

The District Magistrate, Bhagalpur and the Superintendent of Police, Bhagalpur, are also directed to ensure that the prosecution witnesses are produced in the court below



on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Bhagalpur and the Senior Superintendent of Police, Bhagalpur.

(Sudhir Singh, J)

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