

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10663 of 2019

Arising Out of PS. Case No.-13 Year-1996 Thana- BELHAR District- Banka

Rajendra Yadav, son of Badri Yadav, resident of village Bela, P.S. Belhar,
District Banka.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 10-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Vide order dated 27.03.2019 this Court had directed to
file show cause to the learned lower Court for non-compliance
of the order of this Court. Today the status report along with the
show cause has been placed.

Considering the submission made in the show cause,
the same is accepted.

The petitioner seeks bail in connection with Belhar
P.S. Case No.13 of 1996 registered under Sections 302, 304-B
and 201/34 of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

Petitioner happens to be husband of the deceased and
is said to have eliminated the deceased over dowry demand



along with his family members.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. As a matter of fact, the deceased had died due to accidentally falling in the well and family members of the deceased had also joined her cremation. The witnesses have also supported the aforesaid facts. I.O. has submitted the final form in the case, but the learned lower Court after 18 years, took cognizance of the offence against the petitioner without any protest petition filed by the informant. The petitioner has been languishing in custody since 22.11.2017.

On the other hand, learned APP vehemently opposing the bail petition submitted that the petitioner along with others committed murder of the deceased over dowry demand by dumping her in the well. The petitioner happens to be the husband of the deceased.

From perusal of the record, it appears that the informant in her further statement and witnesses in paragraphs 5, 6 and 7 have unanimously supported the prosecution case. Though the cognizance appears to have been taken after 18 years, but the petitioner has not assailed the aforesaid cognizance order.



From perusal of letter no.32 dated 04.04.2019 sent by the learned lower Court, it appears that none of the witnesses have been examined by the prosecution despite issuing summon and bailable warrant.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected.

However, the learned trial Court is directed to conclude the trial as expeditiously as possible preferably within six months from the date of receipt/production of a copy of this order. The Superintendent of Police, Banka is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to the Superintendent of Police, Banka for needful.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

