

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13178 of 2019

Arising Out of PS. Case No.-197 Year-2017 Thana- RAXAUL District- East Champaran

RAJESH KUMAR @ RAJESH KUSHWAHA (M), aged about 32 years, S/o Late Jay Ram Mahato, Resident of Naga Road, Raxaul, P.S.- Raxaul, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rakesh Kumar No.1, Advocate.
For the Opposite Party : Mr. Kanhaiya Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-05-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 19.06.2017 in a case for the offence registered under Sections 302/34 of the I.P.C.

The prosecution story, in brief, is that the daughter of the informant Nikki Kumari was married on 28.04.2009 with Rajesh Kumar (petitioner). After some time of marriage, the family members of accused used to torture his daughter for non-fulfilment of dowry of Rupees 2,00,000/- and Motorcycle. Due to this reason, his daughter always like to leave in her Naihar. The petitioner and his Bahnoi came on 20.05.2017 to his house to bring his daughter and brought her. On 17.06.2017, in the



night, the petitioner Rajesh Kumar alongwith other co-accused committed murder of his daughter.

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.

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 onus is upon him to explain the cause of death of the deceased. As per the postmortem report, the deceased is said to have died due to asphyxia by strangulation.

Considering the same, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Raxaul P.S. Case No. 197 of 2017 (Sessions Trial No. 208 of 2018), pending in the court of learned A.D.J.-13, Motihari, East Champaran.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of nine months



from the date of receipt/production of copy of this order.

The District Magistrate, Motihari, East Champaran and the Superintendent of Police, Motihari, East Champaran, 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, Motihari, East Champaran and the Superintendent of Police, Motihari, East Champaran.

(Sudhir Singh, J)

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