

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20055 of 2019

Arising Out of PS. Case No.-138 Year-2015 Thana- SARAI District- Vaishali

DIGAMBAR SINGH, age 36, Male, Son of Late Nand Kishore Singh,
Resident of Village - Sarsai, P.S.- Sarai, District – Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bimlesh Kumar Pandey, Advocate.
For the Opposite Party : Mr.Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 19-06-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
19.11.2018 in a case for the offence registered under Sections
498(A), 304(B), 335, 336, 120(B)/34 of the IPC and $\frac{3}{4}$ of the
D. P. Act.

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 eye witness to the alleged occurrence.



Learned counsel for the petitioner has further relied upon the application filed on behalf of the informant before the learned Additional Chief Judicial Magistrate-XIII, Vaishali at Hajipur on 28.06.2017 vide Annexure-2 to the present application. The petitioner is the husband of the victim.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. The onus is on him to explain the cause of death of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sarai P.S. Case No. 138 of 2015, pending in the court of learned C.J.M. Vaishali at Hajipur.

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

(Sudhir Singh, J)

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