

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76382 of 2018

Arising Out of PS. Case No.-5 Year-2014 Thana- MAHILA P.S. District- Bhojpur

Mahabir Bind, Son of Ram Lal Bind, Resident of Village-Alekhi Tola,P.S.
Barahara,Distt.-Bhojpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dharmesh Kumar Shrivastava, Advocate.
For the Opposite Party : Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 22-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
09.05.2018 in a case for the offence registered under Sections
302, 120(B) and 201/34 of the IPC.

The prosecution story, in brief, is that the
complainant-informant got his daughter Usha Devi married to
Mahavir Bind eight years back and she went to her matrimonial
house but she was always subjected to torture for various
reasons and she was apprehending her murder by the accused
persons. On 07.08.2013, all accused persons murdered her
daughter by slitting her neck. When the informant Shiv Ratan
Bind came to know about the occurrence he went there but the
accused also threatened to kill him also.



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. Prior to filing of the present complaint which was instituted under Section 156 (3) of Cr. P.C., an F.I.R. was also instituted by father of the petitioner in respect of murder of the deceased against unknown person. The present complaint was filed by father of the deceased after a period of seventeen days making allegation against the petitioner and his family members. There is no eye witness to the alleged occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. under Section 156 (3) of Cr. P.C. 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 Sessions Trial No. 338 of 2018, arising out of Bhojpur Mahila P.S. Case No. 05/2014, pending in the court of learned Sessions Judge, Bhojpur at Ara.

The court below is directed to take all necessary steps



to conclude the trial preferably within a period of one year from the date of receipt/production of copy of this order.

The District Magistrate, Bhojpur at Ara and the Superintendent of Police, Bhojpur at Ara, 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, Bhojpur at Ara and the Superintendent of Police, Bhojpur at Ara.

U.K./-

(Sudhir Singh, J)

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