

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29145 of 2019

Arising Out of PS. Case No.-230 Year-2013 Thana- SIWAN MUFFASIL District- Siwan

Arjun Giri Son of Late Nathuni Giri Resident of Village - Ram Kishun Rai Ke
Tola, Ekderwa, P.S.- Gopalganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Kanhaiya Kishore (App100)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-06-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered under
Sections 304B, 201/34 of the Indian Penal Code.

The prosecution case, in brief, is of committing torture and
caused death of the victim due to non-fulfillment of demand of
dowry.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner is in custody since 30-05-2018. Charge sheet in this
case has already been submitted. The petitioner has been falsely
implicated in the present case. There is no other substantive
evidence to suggest the implication of the petitioner in the
present case.



On behalf of the State, it is submitted that the petitioner is named in the FIR. The petitioner is husband of the lady who is traceless till date. No information was given by the petitioner to the concerned police station regarding the alleged incident. Presumption is against the petitioner under Section-113(B) of the Evidence Act.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Siwan Muffasil P.S. Case No. 230 of 2013 is rejected.

Learned trial court is directed to expedite the trial and conclude the same preferably within a period of nine months from the date of receipt/production of copy of the order.

(Sudhir Singh, J)

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