

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40345 of 2019

Arising Out of PS. Case No.-53 Year-2018 Thana- KINJAR District- Jehanabad

=====

Gopal Thakur S/O Late Lal Dhari Thakur R/O Village Angarichak, P.S.
Kinjar, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

=====

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

ORAL ORDER

3 24-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in Kinjar P.S. Case No. 53 of
2018 registered under Section 341, 323, 504, 304(B)/34 of the
Indian Penal Code.

Petitioner, who happens to be husband of the
deceased is said to have committed dowry death by hanging her
from the tree.

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 committed suicide by hanging herself from
the tree, petitioner took down the dead body of the deceased
from the tree. It is the second marriage of the petitioner and he
is having one son and two daughters from the deceased, so there



is no question of elimination of the deceased by the petitioner. Petitioner has been languishing in custody since 29.05.2018. The case has been committed on 14.09.2018. Earlier, the bail prayer of the petitioner was rejected by this Court vide order dated 08.10.2018 directing the court below to conclude the trial within nine months and SP concerned to ensure the production of witnesses on each and every date fixed without fail, but the trial has yet not been concluded, hence, he may be enlarged on bail.

Per contra, learned APP for the State opposing the bail prayer of the petitioner submitted that the petitioner is the husband of the deceased and there is direct allegation of demand of dowry and eliminating the deceased by hanging her from the tree. Doctor has also found ligature mark on the neck of the deceased and opined the cause of death as asphyxia.

Vide letter no. 401/2019 dated 11.07.2019, learned lower court has reported that charge in the case has been framed on 07.01.2019, but witnesses have not been examined in the case despite issue of summons and bailable warrant against them by the court.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail.



Accordingly, his prayer is rejected.

However, learned trial court is directed to conclude the trial as expeditiously as possible preferably within five months fixing the case on day to day basis and SP Jehanabad is directed to ensure the production of the witnesses on each and every date fixed by the trial court without fail else serious note will be taken against him. If the trial is not concluded within the stipulated period, the petitioner shall be at liberty to renew his prayer for bail.

Let a copy of this order be communicated to SP Jehanabad by fax for needful.

(Prakash Chandra Jaiswal, J)

rohit/-

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

