

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79371 of 2018

Arising Out of PS. Case No.-38 Year-2016 Thana- KALER District- Jehanabad

Udal Paswan Son of Ram Jee Paswan Resident of- Jalwaiya, P.S.- Kaler,
District – Arwal. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal
For the Opposite Party/s : Mr. Satyavarat Verma

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

ORAL ORDER

3 30-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in Kaler P.S. Case No. 38 of
2016 registered under Section 304-B and 201/34 of the Indian
Penal Code.

The petitioner is said to have strangled to death his
wife over dowry demand and dumped her body in the Sone
River in association of his family members.

It is submitted by learned counsel for the petitioner that
no such occurrence as alleged ever took place. The allegation
levelled against the petitioner is not specific rather general and
omnibus in nature. Two of the witnesses in the case diary have
stated about committing suicide by the deceased by hanging
herself from ceiling. It is also submitted that after committing
suicide by the deceased, the petitioner had informed the



maternal people of the deceased and they had arrived at the place of occurrence and after knowing the actual state of affair, falsely implicated the petitioner in the case on failure to oblige them by the petitioner. He has been languishing in custody since 04.12.2016. Vide earlier order dated 13.12.2017, the learned lower Court was directed to conclude the trial as expeditiously as possible preferably within nine months from the date of commitment of the case but the trial has not yet been concluded, hence the petitioner may be enlarged on bail.

On the other hand, it is submitted by learned APP for the State that the petitioner happens to be husband of the deceased and there is allegation of dowry death against him. The witnesses examined by the I.O. have supported the prosecution case. Postmortem report also corroborates the occurrence.

From perusal of the report of the learned lower Court, it appears that the charge in the case has been framed on 10.01.2019 and the case has been fixed for prosecution evidence.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

However, the learned Trial Court is directed to



conclude the trial as expeditiously as possible preferably within six months from the date of receipt/production of a copy of this order and S.P., Arwal is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P., Arwal for needful.

(Prakash Chandra Jaiswal, J)

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