

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57400 of 2018

Arising Out of PS. Case No.-167 Year-2017 Thana- ISLAMPUR District- Nalanda

Kaleshwar Chaudhary, S/o Late Sitaram Chaudhary, R/o Vill.- Asrafpur, P.S.- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Mukherjee, Adv.
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP
For the Informant	:	Mr. Jharkhandi Upadhyay, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 07-01-2019 Heard learned counsel for the petitioner, informant and learned APP for the State.

The petitioner, being the husband of the victim, is languishing in custody since 10.06.2018 in a case registered for the offences punishable under Sections 304B/201/34 of the Indian Penal Code.

The prosecution case is that the daughter of the informant was married with the petitioner in 2016. It is alleged that on 26.05.2017 at 10.00 P.M., the daughter of the informant informed him through mobile that she was assaulted by her in-laws family, including the petitioner for non-fulfillment of dowry demand of Rupees Two Lac. It is alleged that on 27.05.2017, when the informant along with his family



members went to the in-laws house of his daughter, but he neither found any in-laws family member nor his daughter in the house. Hence, it was suspected that the accused persons, including the petitioner, have killed her daughter and disposed of her dead body.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled against the petitioner. The dead body of the victim has not been recovered, as a result, the Supervising Officer during investigation has recommended for submission of charge-sheet under Section 365 of the I.P.C and the investigation against the petitioner is still persuading. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant as well as the learned APP for the State submits that the thrust of accusation is against the petitioner, being the husband of the victim and the case has been committed to the Court of Sessions.

Learned APP also supports the contention of learned counsel for the informant.

Considering the death of the victim within one year of marriage, this Court is not inclined to grant bail to the



petitioner for the present.

Accordingly, the prayer for bail of the petitioner in connection with Islampur P.S. Case No.167/2017, pending before the learned ACJM-III, Hilsa (Nalanda) is rejected.

However, it is expected from the learned trial Court to expedite the trial. If the trial will not be concluded within a period of eight months due to the laches on the part of the prosecution, the petitioner would be at liberty to renew his prayer for bail.

(Dinesh Kumar Singh, J)

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