

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5331 of 2020

Arising Out of PS. Case No.-483 Year-2016 Thana- CHAPRA TOWN District- Saran

Surendra Rai @ Surendra Kumar, Son of Shivjee Rai Resident of Village -
Chhota Telpa, P.S- Chapra Town, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 02-11-2020 Heard Mr. Vijay Kumar Srivastva, learned
counsel for the petitioner and Mr. Pramod Kumar
Pandey, learned APP for the State.

The petitioner seeks bail in connection with
Sessions Trial No. 61 of 2020 arising out of Chapra
Town P.S. Case No. 483 of 2016 dated 24.10.2016
which initially was instituted for the offences under
Sections 323, 498A and 307/34 of the Indian Penal
Code but later Section 302 IPC was added.

It appears from the FIR that the deceased who
is the wife of the petitioner was done to death by setting
her on fire.

It has been submitted on behalf of the
petitioner that the case is absolutely false. In fact, the
deceased caught fire while cooking and the petitioner



tried his best to save his wife. In the process of saving his wife, he burnt his both palms. This fact, it has been asserted, has been confirmed by the daughter of the petitioner and the same finds mention in the case diary. It has also been urged on behalf of the petitioner that during the joint supervision of this case, it was found that an earlier case also was filed but only against the petitioner but in the later case, other family members have also been made accused. On the suggestion of the supervising officer, both the cases were merged together.

This Court had called for a report about the stage of the case from the court below. The report has since been received and is kept at 'Flag-X'. The report discloses that charges have been framed in this case on 04.02.2020.

Regard being had to the nature of accusation against the petitioner and the relationship of the petitioner with the deceased, I am not inclined to grant bail to the petitioner for the present.

The prayer for bail is rejected.

However, the trial court is directed to expedite and conclude the trial within a period of one year from the date of receipt/production of a copy of this order. If there is no substantial progress in the trial and which



would not be attributable to the petitioner, he would be at liberty to approach the trial court and seek bail. In that event, the trial court would be required to state reasons for the tardy progress of the trial.

The petition stands disposed of with the aforesaid observation.

(Ashutosh Kumar, J)

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