

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17838 of 2020**

Arising Out of PS. Case No.-343 Year-2017 Thana- BIKRAM District- Patna

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PINTU KUMAR @ PINTU SAO S/O Lilku Saw Resident of Taripar, P.S.-
Bikram, District – Patna. Petitioner

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 08-09-2020 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner in the present case is seeking regular bail in connection with Bikram P.S. Case No. 343 of 2017 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from the First Information Report itself it would appear that the marriage between the petitioner and the deceased had taken place about 10 years ago. The informant has made a general allegation that the petitioner and his entire family members such as his father and mother were demanding dowry of Rs.1 lakh and one motorcycle and because the same was not given, the daughter of the informant was assaulted, the attempts taken by the informant to resolve the issue at the society level did not materialize and ultimately on 01.12.2017 the informant received an information that his daughter has been killed.



Learned counsel submits that save and except the general and omnibus kind of allegation there is no independent evidence against the petitioner. It is submitted that the Post Mortem Report shows death of the deceased due to asphyxia due to homicidal strangulation.

Learned counsel submits that since the marriage had taken place about 10 years ago Section 304B IPC would not be applicable.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner saying that the petitioner is the husband and hence, he does not deserve privilege of regular bail.

This Court had earlier called for a report from the learned trial court. It has come in the report that this record is pending for framing of charge since 02.01.2020 and the charge has not been framed because the petitioner was not produced before the court from jail. Now because of the COVID-19 situation the matter is pending and on start of functioning of the court and after framing of charge the trial of the present case will be completed in a year.

Having regard to the facts and circumstances of the case this Court finds that because of the laches on the part of the prosecution in not producing the petitioner for framing of charge the case has not proceeded. Let this be brought to the notice of the Senior Superintendent of Police of Patna who will ensure that the petitioner is produced on the next date in the trial court, if necessary



through the help of video application for purpose of framing of charge.

The trial court is also directed to ensure so that the case may be proceeded.

Since the petitioner has remained in custody for about two years nine months by now, it is expedient that the trial is conducted on day-to-day basis, thus, the trial court is directed to conduct the trial on day-to-day basis after start of physical court and the court would not grant any adjournment unless it is absolutely necessary and in the interest of justice. The trial be concluded within six months preferably, after start of physical court failing which the petitioner may renew his prayer for bail provided the trial is not delayed because of any delaying tactics on his part. This Court for the present is not inclined to grant regular bail to the petitioner.

This application is being disposed of with the aforesaid observations.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

