

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19987 of 2020

Arising Out of PS. Case No.-69 Year-2017 Thana- KUCHAIKOTE District- Gopalganj

JITESHWAR KUNWAR S/O Surendra Kunwar R/O- Marwa Karn, P.S.-
Kuchaikote, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. J.K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 12-10-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conference. Learned counsel for
the petitioner undertakes that all defects pointed out by the
stamp reporter shall be removed, and compliance with the
conditions of the notices of this Court with regard to acceptance
of e-filing shall be made, without delay immediately upon
resumption of normal physical functioning of the Court, and in
any event within one month thereof. Learned counsel for the
State states that he has no objection in this regard and the matter
be taken up on merits in view of the stated urgency.

2. The petitioner is in custody since 12.12.2019 in
connection with S.Tr. No. 44 of 2020 arising out of Kuchaikot
P.S. Case No. 69 of 2017 for the alleged offences under Section
304(B) of the Indian Penal Code.



3. It is submitted that the petitioner has been falsely implicated merely because he happens to be the husband of the deceased. It is submitted that except suspicion, there is no objective material to connect the petitioner with the alleged occurrence. The petitioner claims clean antecedents.

4. Learned APP appears and has been heard.

5. Pursuant to the order dated 20.07.2020, a status report has been received along with deposition of prosecution witnesses in terms of letter dated 13.08.2020 from the District & Sessions Judge, Gopalganj, according to which evidence of P.W.1 and P.W.2 have been recorded on 02.03.2020 and evidence of P.W. 3 was recorded on 06.03.2020. The case was adjourned and was recently fixed on 07.09.2020 but other witnesses have not turned up in view of lockdown. A perusal of the depositions of P.W.1 (villager), P.W.2 (wife of informant) and P.W.3 (informant) disclose that all three persons have been declared hostile and have not supported the prosecution case.

6. Considering the allegations against the petitioner as well as the status report and depositions received as aforesaid, this Court considers it expedient to direct that the trial be concluded expeditiously and in any event within one year hereof. If the trial is not concluded within the said period, the



petitioner shall be at liberty to renew his prayer for bail.

7. The petition stands dismissed with the aforesaid observations.

8. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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