

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21668 of 2020**

Arising Out of PS. Case No.-81 Year-2019 Thana- DHAKA District- East Champaran

SHRI RAM SAH Son of Bhadai Sah Resident of Village-Chandan Bara, P.S.-
Dhaka, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

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

5 05-10-2020 Heard learned counsel for the petitioner and Mr. Amit
Kumar Rakesh, learned APP for the State.

This is the second attempt of the petitioner to obtain
bail in connection with Dhaka P.S. Case No.81 of 2019
registered for the offence under Sections 304B/34 of the Indian
Penal Code.

Earlier prayer for bail of the petitioner was rejected
vide order dated 03.12.2019 passed in Cr.Misc.No.61991 of
2019 in the following words:-

“Considering the facts and circumstances of
the case, wherein it appears that the petitioner
is the husband and his wife died due to serious
burn injuries inside the four corners of the
house and it is alleged that there was a demand
of dowry for that she was being tortured and
the petitioner is in custody only since
08.03.2019, this Court is not inclined to grant



regular bail to this petitioner at this stage.
Let the trial be expedited.”

Learned counsel for the petitioner submits that the petitioner has remained in jail for one and half year by now. It is also his submission that the marriage between the petitioner and the deceased was a love affair and the earlier case lodged by father of the deceased alleging kidnapping of his daughter by this petitioner was not found true. It is submitted that the trial is not likely to be concluded in near future, hence the prayer for bail be considered as the petitioner is a young man and he requires social integration at this stage to remain connected in the main stream of the society. It is also his submission that the investigation is over and at this stage there is no likelihood of tampering of the evidence or interference with the prosecution.

On the other hand, learned APP for the State submits that from the report received from the learned trial court it appears that the case has already been committed to the court of Session and records have been sent, hence the prosecution be given an opportunity to take appropriate steps towards the conclusion of the trial within a reasonable time.

Considering the facts and circumstances of the case, at this stage, the Court is of the opinion that the trial court should proceed to frame the charge in this case within fifteen



days from the date of receipt/production of a copy of this order and the trial be conducted on day to day basis without granting any adjournments unless it becomes absolutely necessary once the court below starts taking evidence on start of the physical court. If the trial is not concluded within a period of six months from the date of framing of charge as stated above for no fault on the part of the petitioner, the petitioner may renew his prayer for bail.

This application stands disposed off accordingly.

(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'.

