

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72033 of 2019

Arising Out of PS. Case No.-582 Year-2017 Thana- SAHARSA District- Saharsa

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BABLU KUMAR DAS @ BALLU KUMAR DAS Son of Sikandar Das
Resident of Sarahi (Sararahi), Ward No. 05, P.S.- Saharsa, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 29-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioner and the State.

The petitioner, being the husband of the victim has renewed his prayer for bail in a case registered for the offences punishable under Sections 498A, 326, 307, 341, 504, 120B, 304B and 302 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the fardbeyan of Saumya Kumari, recorded by A.S.I. Awadh Kumar Yadav on 08.06.2017 at 4 P.M., is to the effect that after one and half years of the marriage, due to non-fulfillment of the further dowry demand of Rs. 5 lacs, the informant was put on fire after pouring kerosene oil by all the accused persons including the petitioner.



Subsequently, the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 28.06.2017. The accusation against the petitioner is omnibus and general. It is further submitted that earlier prayer for bail of the petitioner was rejected by a Co-ordinate bench of this Court, vide order dated 20.11.2018, passed in Cr. Misc. No. 58264 of 2018, whereby a direction was given to the learned trial court to conclude the trial within a period of nine months from the date of receipt of the order. The report of 3rd Additional Sessions Judge-cum-Special Judge, Saharsa, dated 09.06.2020 reflects that till date no witness has been examined and the trial could not be concluded due to present pandemic leading to lockdown since 22.03.2020.

Learned APP submits that the thrust of accusation is against the petitioner, being the husband of the victim and he is named in the FIR.

It appears that the case was registered in the year 2018 and the direction was given by a Co-ordinate bench of this Court to conclude the trial within nine months, on 20.11.2018 and the report of the learned Court below suggests that no witness has been examined till date which suggests the casual



manner in which the trial court is proceeding in the matter and the report further suggests the manner in which the report is being transmitted to this Court.

Considering the fact that the report of the learned Court below dated 09.06.2020 reflects that the trial will be concluded within a period of six months and the fact that the thrust of accusation is against the petitioner being the husband of the victim, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail of the petitioner, in connection with Sessions Trial No. 13 of 2019, arising out of Saharsa Sadar P.S. Case No. 582 of 2017, pending in the Court of learned Additional Sessions Judge-III, Saharsa, is rejected.

However, if the trial is not concluded within a period of six months, the petitioner will be at liberty to renew his prayer for bail.

The present application is dismissed.

(Dinesh Kumar Singh, J)

Amrendra/-

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