IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 9471 of 2020

Sudhir Nayak … Petitioner

Versus

The State of Jharkhand ⋯ Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. P.K. Pathak, Advocate
For the State : Mr. S.K. Tiwari, Addl. P.P.

Order No.02 Dated- 09.12.2020

Heard the parties through video conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

The petitioner has moved this Court for grant of bail in connection with S.T. Case No.38 of 2020 arising out of Barkagaon P.S. Case No.36 of 2014 registered under sections 304B/498A/34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner has committed the dowry death of his wife. It is further submitted that the allegations against the petitioner are all false and the petitioner has not committed any offence and he returned to his house only two days prior to the incident. It is next submitted that the petitioner has been in custody since 14.10.2019 as has been mentioned in paragraph no. 11 of the bail application. Hence, it is submitted that the petitioner be admitted to bail.

The learned Addl. P.P. on the other hand vehemently opposes the prayer for bail and submits that admittedly the death of the deceased took place otherwise than under normal circumstances within seven years of her marriage and there is specific allegation against the petitioner of demanding motorcycle as dowry and in view

of the overwhelming evidence in the record, there is every chance of the petitioner absconding, if released on bail. Hence, it is submitted that the petitioner ought not to be admitted to bail.

Considering the serious nature of allegation against the petitioner, this Court is of the considered view that this is not a fit case where the above named petitioner be admitted to bail. Accordingly, the prayer for regular bail of the above named petitioner is rejected.

Keeping in view the period of custody undergone by the petitioner and the serious nature of offences involved in this case, notwithstanding any order in administrative side of this Court, the trial court is directed to take up the trial of the case expeditiously and to conclude the trial within six months from the date of receipt of this order by the trial court. It is made clear that the trial be conducted and witnesses be examined by observing the precautions relating to COVID -19 Pandemic.

(Anil Kumar Choudhary, J.)

Sonu-Gunjan/