

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16851 of 2021

Arising Out of PS. Case No.-210 Year-2020 Thana- SIRDALA District- Nawada

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Gautam Kumar S/o Shri Ramswaroop Prasad R/o village- Bardaha, P.S.-
Sirdalla, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Adv. Ms. Prachi Pallavi, Adv.
For the Informant		Mr. Deepak Kumar, Adv.
For the State	:	Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-10-2021 Heard learned senior counsel for the petitioner and

learned APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 304B/302/34 of the Indian
Penal Code.

The prosecution case as lodged by the informant is
that the marriage of his daughter was solemnized with the
petitioner in the year 2016 and after marriage, she was tortured
for demand of dowry and ultimately she has been killed by the
petitioner with the help of parents.



Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that deceased had committed suicide by hanging herself from the ceiling fan. There is no other injury on her body except for strangulation mark on the neck to substantiate allegation of informant that he was murdered. He submits that in charge-sheet, police found case is true against the petitioner under Section 302/304B IPC and charge-sheet has been filed under Sections 304B of the Indian Penal Code. He submits that there is no eye witness to the present case. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 08.07.2020.

However, learned APP for the State and informant oppose the prayer for bail and submits that the trial is going on and two witnesses have already been examined.

Considering the facts and circumstances of the case and the fact that petitioner is the husband of the victim, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected at this stage in connection with Sirdalla P.S. Case No. 210 of 2020 pending before the court of the learned Additional Chief Judicial Magistrate-I,



Nawada.

However, learned court below is directed to expedite the trial preferably within a period of nine months. Petitioner is at liberty to renew his prayer for bail, if the trial is not concluded with the said period.

(Anjani Kumar Sharan, J)

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