

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41047 of 2020

Arising Out of PS. Case No.-69 Year-2014 Thana- PAKRIDAYAL District- East Champaran

Kishore Sahni Son of Late Santoshi Sahani Resident of Village- Tharbitiya,
P.S.- Pakridayal, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-04-2021 Heard learned counsel for the petitioner and
learned A.P.P for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Pakridayal P.S. Case no. 69 of 2014 registered under section 304B of the Indian Penal Code.

As per allegation in the F.I.R., the daughter of the informant was beaten up and tortured by the accused persons including the petitioner herein. The informant states that she received information about her daughter being burnt and of having been taken for treatment. She subsequently died.

It is submitted by learned counsel for the petitioner that the petitioner happens to be the husband of the deceased. The allegation as levelled in the F.I.R. are false and concocted.



There is a delay of five days in lodging of the F.I.R. without there being any explanation for the same. In spite of the victim being fully conscious, her statement was not recorded. Although the trial has commenced, however, the prosecution witnesses who have been examined including the mother of the deceased and whose deposition has been brought on record as Annexure-2 series to the petition, have not supported the prosecution case. A number of witnesses have been declared as hostile. The petitioner is in custody since 6.1.2019 and there is no chance of the trial concluding in the near future. It is finally submitted that the petitioner is not seeking an order of acquittal but only an order of grant of bail during trial.

A report was called for with respect to the stage of trial from the learned Court below and the same has been received contained in letter no.158 dated 20.3.2021.

As per report, the case is pending for examination of four prosecution witnesses of which three are official witnesses i.e the doctor and two investigating officers.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the progress in the trial, this Court is



not inclined to enlarge the petitioner on bail and the same is rejected.

In view of the fact that out of the remaining prosecution witnesses three are official witnesses, it is directed that the Superintendent of Police, East Champaran shall ensure their presence in the trial without any delay. Learned trial Court is directed to expeditiously conclude the trial.

(Partha Sarthy, J)

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