

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17467 of 2022

Arising Out of PS. Case No.-160 Year-2018 Thana- NAGARNAUSA District- Nalanda

UPENDRA PRASAD @ RUPENDRA PRASAD Son of Bishundev Prasad
Resident of Village - Korari, P.s.- Nagarnousa, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramji Kumar

For the Opposite Party/s : Mr.Binod Kumar no.3.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 10-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Nagarnousa P.S Case No.

160 of 2018 corresponding to Sessions trial no.531/2019 registered

for the offences punishable under Sections 304B and 201/34 of the

Indian Penal Code.

Allegedly, informant's daughter was subjected to cruelty

by the petitioner and his family members for the demand of

motorcycle and finally, victim was killed by accused persons on

account of said demand having been not fulfilled by the victim. Dead

body of the victim was also disappeared by the accused persons with

an intention to screen the evidence.

The main submissions advanced by Sri Ramji Kumar, the



learned counsel appearing for the petitioner are that earlier criminal miscellaneous petitions preferred by this petitioner on two occasions had been rejected by this court but now, petitioner has come before this court mainly on this new ground that after framing of the charge against him, only two witnesses of the prosecution have been examined and one became hostile and not supported the allegation made in the FIR and prosecution will take long time to conclude the trial of the petitioner. Further submission is that petitioner himself took his wife for medical treatment after she had consumed poisonous substance and the said fact has been supported by the witnesses during investigation and petitioner has been languishing in jail since 3.1.2019.

Learned APP Sri Binod Kumar no.3 has opposed the prayer for bail.

Heard both sides and perused the case diary as well as lower court record. The present case relates to dowry death allegedly committed by the petitioner and his family members, the dead body of the deceased was disappeared by the accused persons with an intention to screen the main evidence of the alleged occurrence, petitioner is stated to be husband of the deceased and as per informant alleged occurrence was committed due to non-fulfillment of demand of dowry. Earlier prayer for bail of the petitioner was rejected by this court on two occasions vide orders passed in Cr. Misc. no. 69592/2019 and Cr. Misc. no. 34501/2020. Though after



rejection of petitioner's earlier prayer, only two prosecution witnesses have been examined till now but still material witnesses of the prosecution are to be examined. Although some delay has occurred in concluding the trial of the petitioner but considering the nature of allegation appearing against the petitioner and mainly taking into account that after rejection of petitioner's earlier prayer no material development has arisen in his favour for release of the petitioner and therefore, his prayer for bail is again rejected.

Trial court is directed to expedite the trial of the petitioner as well as co-accused persons who are facing trial and conclude the same at the earliest preferably, within nine months from today. If trial of the petitioner is not concluded within the stipulated period of nine months, the petitioner may renew his prayer for bail.

(Shailendra Singh, J)

s.hassan/-

U		T	
---	--	---	--

