

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61953 of 2021**

Arising Out of PS. Case No.-622 Year-2018 Thana- NAUBATPUR District- Patna

SURYA PRAKASH @ SANTOSH KUMAR GUPTA @ BHOLU SAW Son
of Shri Om Prakash Gupta Resident of Village- Khajuri, P.S.- Naubatpur,
District- Patna (Bihar)- 801109.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aaruni Singh

For the Opposite Party/s : Mr.Md. Matloob Rab

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

3 02-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of eight weeks.

Heard learned counsel for the petitioner and the State
through virtual mode.

The petitioner seeks bail in Sessions Trial No. 810 of
2019 arising out of Naubatpur P.S. Case No. 622 of 2018
registered under Sections 498(A)/ 304B of the Indian Penal
Code.



Earlier prayer for bail of the petitioner was rejected vide Annexure-1 to the present application taking into account that the petitioner happened to be husband of the deceased and the onus was upon him to explain the cause of death of his wife.

A report was called for from the trial court.

It has been reported that till date, no prosecution witness has been examined in this case. The trial is likely to be concluded within a period of one year.

Considering the nature of accusation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected.

Learned trial court is directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of receipt/production of copy of this order.

The District Magistrate and the Sr. Superintendent of Police, Patna are directed to ensure the production of witnesses on the date fixed by the trial court so that the trial could be concluded within the stipulated period of one year.

Let a copy of this order be communicated to the District Magistrate and the Sr. Superintendent of Police, Patna for needful.

The District Magistrate, Patna is further directed to look



into the matter as to why till date, the prosecution witnesses have not been produced on behalf of the prosecution as it is evident from the report submitted by the trial court.

(Sudhir Singh, J)

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