

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34852 of 2023

Arising Out of PS. Case No.-461 Year-2019 Thana- RAJGIR District- Nalanda

SANTOSH KUMAR Son of Gopal Prasad Resident of Village- Milki, PS-
Rajgir, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 02-08-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Rajgir P.S. Case no. 461 of 2019 registered under sections 304B and 34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant who was married to the petitioner, was done to death for non-fulfilment of demand dowry. It subsequently transpired from the postmortem examination that the cause of death was asphyxia due to strangulation.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order dated 8.12.2021 (Annexure-1) passed in Cr. Misc. no. 21719 of 2021 and order dated 9.11.2022 passed in Cr.Misc. no. 52379 of 2022.



5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He is in custody since 17.12.2019 and the trial has still not concluded. He undertakes to cooperate in the trial.

6. The prayer for bail is opposed by learned A.P.P. for the State who submits that the petitioner happens to be the husband of the deceased. It is further submitted that pursuant to the order dated 26.7.2023 passed in the instant case, instructions have been received from the Superintendent of Police, Nalanda contained in his letter no. 358 dated 1.8.2023 wherein it has been stated that both the Investigating Officers in the case have been examined as prosecution witnesses in the learned trial Court on 3.1.2022 and 13.7.2023 respectively and the examination of the prosecution witnesses is complete.

7. Having heard learned counsel for the parties and taking into consideration the submissions made by learned APP appearing for the State with respect to the evidence on behalf of the prosecution being complete in the learned trial Court together with the nature of allegation against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Learned trial Court is directed to expedite the trial



and to conclude the same at the earliest preferably within a period of four months of receipt/communication of this order.

(Partha Sarthy, J)

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