

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55596 of 2022

Arising Out of PS. Case No.-373 Year-2021 Thana- DIGHWARA District- Saran

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NITESH KUMAR @ NITESH KUMAR YADAV, Male, aged about 26 years,
SON OF SHIV NATH RAI @ SHEVNATH CHAUDHARY, Resident of
Village - Farhadda, P.S. - Dighwara, District - Saran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1
For the informant : Mr. Nawal Kishore Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 6 29-04-2023 1. Heard learned counsel for the petitioner, the

learned APP for the State as well as learned counsel for the

informant.
2. Petitioner seeks regular bail in connection with

Dighwara P.S. Case No. 373 of 2021 dated 24.11.2021

registered for the offence(s) punishable under Section(s)

304(B)/201/34 of the Indian Penal Code.
3. As per prosecution, the informant alleged that this

petitioner (husband of the deceased) along with his family

members killed the informant's daughter (deceased) by setting

her ablaze over non-fulfilment of dowry demand and concealed

the dead body of the victim.
4. The main submissions advanced by the learned



counsel for the petitioner are that the petitioner is husband of the deceased and in the present time he is facing trial and the informant who happens to be father of the victim has been examined as PW1, whose deposition's copy has been filed by way of supplementary affidavit and before the trial court the informant has not supported the allegations levelled by him in the FIR. Further submissions are that in fact the deceased sustained burn injury while cooking food and thereafter she was taken to Primary Health Centre, Dighwara for medical treatment and the factum of incident of the victim having sustained burn injury was informed to the informant and from the said Primary Health Centre, the victim was referred to P.M.C.H. and in that course, the informant also accompanied the deceased and during the course of taking the victim to P.M.C.H., she died and thereafter victim's dead body was cremated with the consent and knowledge of the informant and in this regard, prescription's copy of victim's medical treatment at Primary Health Centre has been filed as Annexure 2 and petitioner has been languishing in jail since 21.07.2022.

5. Learned counsel appearing for the informant has vehemently opposed the bail prayer and submitted that in view of nature of allegation, the petitioner is not entitled to the



privilege of bail rather petitioner's trial should be expedited.

6. Considering the seriousness of the allegation appearing against the petitioner from the FIR and mainly the facts that as per allegation, the victim was burnt alive to death by the accused persons including the petitioner on account of accused persons' demand of dowry having not been fulfilled by the victim's parents and admittedly the victim's dead body was cremated without getting her body postmortemed, though the victim's father has been declared hostile witness in the trial of the petitioner but other material witnesses of prosecution are yet to be examined, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

7. The trial Court is directed to expedite the trial of this petitioner and take steps to conclude the same in the next six months. If the trial of the petitioner is not concluded within the said period then the petitioner may renew his bail prayer.

(Shailendra Singh, J)

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