

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28590 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- HASPURA District- Aurangabad

Shiv Shankar Kumar Son of Ashok Yadav Resident of Village - Somar Bigha,
P.S. - Haspura, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun, Adv.
		Mr. Thakur Brajesh Singh, Adv.
For the Opposite Party/s :		Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

10 26-02-2024 Heard learned counsel for the petitioner and learned
APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with
Haspura P.S. Case No. 214 of 2022 instituted for the offences
under Sections 341, 323, 328, 304(B)/34 of the Indian Penal
Code.

3. The allegation against the accused persons including
the petitioner is of demanding Rs. 5,00,000/- in cash, one
motorcycle, chain of gold, one freeze, one cooler from the sister
of the Informant and due to non-fulfillment of the same, the
accused petitioner and his father brutally assaulted the sister of
the Informant and they also forcibly fed poison to her and
during treatment, she died.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is the husband. He further submits that the allegation of demand of dowry and torture is false and fabricated. He points out that the deceased lady had delivered a baby girl by surgical operation on 26.06.2022 and after delivery, the complication occurred and thereafter, she was again admitted in the hospital and she died during course of treatment in presence of the Informant and his family members. He further submits that in the postmortem report, there is no external injury on the body of the deceased. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 15.09.2022.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Pursuant to the earlier order of a Coordinate Bench of this Court dated 08.12.2023, a report dated 19.12.2023 regarding stage of the case has been sent by the learned Additional District & Sessions Judge-II, Aurangabad which is kept at Flat-C.

7. From the aforesaid report dated 19.12.2023, it



appears that out of six charge sheeted witnesses, one witness (Informant) has been examined by the prosecution but, he has not corroborated the case and was ultimately declared hostile and the remaining five witnesses have to be examined. The report also shows that if the prosecution cooperates, the case will be concluded within three months.

8. From the order-sheet, it also appears that the vicera report was also called for and the same has been received by this Court which is kept at Flag-B.

9. From perusal of the vicera report dated 16.09.2023, it appears that there is presence of Organophosphorous pesticide which is used in agriculture for killing pests and is poisonous in nature.

10. Considering the entire facts and circumstances of the case and taking into account the rival submissions made by the parties as also after perusing the report of the court below regarding stage of trial, this Court is not inclined to grant bail to the petitioner.

11. Accordingly, the prayer for bail of the petitioner, above named, is rejected for the present.

12. The trial court is directed to expedite the trial and conclude the same within a period within a period of three



months from the date of receipt/production of a copy of this order. The District Magistrate, Aurangabad and the Superintendent of Police, Aurangabad are also directed to ensure presence of the charge-sheet witnesses before the trial court as and when there presence is required.

13. If the trial is not concluded within the aforesaid period of three months, the petitioner will be at liberty to renew his prayer for bail before the court below and the court below will pass order in accordance with law on merit without being prejudiced by this order.

Let a copy of this order be sent to the District Magistrate, Aurangabad and the Superintendent of Police, Aurangabad.

(Rudra Prakash Mishra, J)

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