

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33464 of 2024

Arising Out of PS. Case No.-100 Year-2018 Thana- DESARI District- Vaishali

Hemant Sah @ Hemant Kumar @ Hemant Kumar Sah son of Late Dilip Sah
Village- Nayaganj Ps- Desari Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Abhigyan, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-07-2024 Heard Mr. Abhijeet Abhigyan, learned Counsel for
the petitioner and learned APP for the State.

2. The petitioner is an accused in connection with Desari P.S. Case No. 100 of 2018 registered for the offences under sections 302 and 34 of the Indian Penal Code lodged on 17.05.2018 by the informant, Somariya Devi.

3. As per the prosecution story, the husband, petitioner who was married to the lady, allegation is that he used to torture and further in course of time, solemnized marriage with another lady, stopped giving her maintenance and ultimately the unfortunate death occurred. This led to the F.I.R. under Section 302 of the Indian Penal Code but now the charge sheet has been submitted under Section 306 of the Indian Penal Code.

4. Learned Counsel for the petitioner submits that he



used to love his wife, had no role to play in her alleged suicide, never solemnized second marriage and is ready to face the trial.

5. Mr. Bharat Bhushan, learned APP, on the other hand, points out that he lost his wife in the year 2018, allegation was directly against him, even his children narrated the ordeal, still he chose six years to walk into judicial custody only to delay the trial, he as such opposes the prayer.

6. Considering the conduct of the petitioner who evaded arrest for six long years, it would be appropriate that as F.I.R is of the year 2018 and a lady lost her precious life, the trial is expedited and concluded in next nine months.

7. The petition stands rejected.

(Rajiv Roy, J)

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