

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21488 of 2018

Arising Out of PS.Case No. -235 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

=====
Ramu Sah @ Ram Kumar Sah, Son of Sukat Sah, Resident of Village-
Ajuwa, Police Station- Shikarpur, District- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate.

For the Opposite Party : Mr. Ajay Kumar -2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 30-04-2018 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is languishing in custody since 10.10.2017 in a case for the offence registered under Sections 498(A), 304(B)/34 of the IPC and 3/4 of the D.P. Act.

The prosecution story, in brief, is that the accused persons including the petitioner killed the victim due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the



petitioner. The petitioner has been made accused in the present case due to mistake of fact. An U.D. case was instituted prior to institution of the present F.I.R. In the U.D. case, it was disclosed that the victim died due to Railway accident.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. He is husband of the deceased. The witness in paragraph no. 12 of the case diary, in course of investigation, has supported the allegation made in the F.I.R. The onus is upon the petitioner to explain the cause of death of the deceased, who was the wife of the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 144 of 2018, arising out of Shikarpur P.S. Case No. 235 of 2017, pending in the court of learned Additional District & Sessions Judge-V, Bettiah, West Champaran.

The learned court below is directed to take all necessary steps to expedite the trial.

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(Sudhir Singh, J)

