

(2022) 12 PAT CK 0088

Patna High Court

Case No: Criminal Miscellaneous No. 25456 Of 2022

Niranjan Kumar

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Dec. 21, 2022

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 304B
- Dowry Prohibition Act, 1961 - Section 3, 4

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Praveen Kumar, Mohammad Sufyan

Final Decision: Dismissed

Judgement

1. Heard Mr. Praveen Kumar, learned counsel for the petitioner and Mr. Mohammad Sufyan, learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail being in custody in connection with Sessions Trial No. 185 of 2021 (arising out of Parsa Bazar, P.S. Case No. 134 of 2017) dated 06.07.2017 instituted under Sections 304-B, 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. This is the third attempt by the petitioner for bail as earlier such prayer was rejected by order dated 27.11.2019 passed in Cr. Misc. No. 43868 of 2019 and thereafter again by order dated 03.02.2021 passed in Cr. Misc. No. 1395 of 2021. The Court had called for a report from the trial Court with regard to the stage of the case.

4. In terms thereof, a report has been submitted by the Additional District and Sessions Judge-IX, Patna dated 03.12.2022 in which it has been stated that out of seven charge sheet witnesses, three have been examined, one has died and the case is fixed for evidence of the Investigating Officer and doctor for whom bailable warrant had already been issued. Further it has been stated that the case is likely to be disposed of within three months.

5. Having regard to the aforesaid and the fact that on earlier two occasions the prayer for bail has been rejected and there being no mitigating circumstances except for passage of time i.e., the petitioner being in custody for about four years and nine months, the Court is not inclined to allow the prayer for bail.

6. Accordingly, the application stands dismissed.

7. However, the trial Court is directed to conclude the trial expeditiously and latest within a period of three months from the date of production of a copy of this order.

8. As Court has granted time based on the report by the trial Court itself, it expects that the trial would positively be concluded within the said period.