

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47203 of 2015

Arising Out of PS.Case No. -40 Year- 2013 Thana -UDWANTNAGAR District- BHOJPUR

1. Nagendra Singh Son of Late Suraj Singh Resident of Village-
Bhagwanpur, P.S.-Udawanagar, District-Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Pandey

For the Opposite Party/s : Mr. Kumar Virendra Narayan (App)

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-12-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

This is the third attempt on behalf of the petitioner
for grant of bail in connection with Sessions Trial No. 49 of 2014
arising out of Udwant Nagar P.S.Case No. 40 of 2013 registered
under Sections 304/34, 323, 341 and 308 of the Indian Penal
Code.

It has been contended by the learned counsel for the
petitioner that while rejecting the application for bail of the
petitioner on 3rd September, 2014, liberty was granted to the
petitioner to renew his prayer for bail if the trial is not concluded
within one year. It is contended that the trial is still at an early
stage and there is no likelihood of the trial being concluded in near

future.

On the other hand, learned counsel for the informant has vehemently opposed the application filed on behalf of the petitioner. He has submitted that initially charge was framed under Section 304 read with 34 of the Indian Penal Code and 27 of the Arms Act, but later on, charge was amended and the petitioner was charged under Section 302 of the Indian Penal Code. By now, out of 14 prosecution witnesses, four have already been examined. He undertakes to produce the remaining witnesses within six months from today before the trial court.

Considering the submissions made at the Bar, the prayer for bail of the petitioner is rejected. The trial court is directed to hold trial of the petitioner on day-to-day basis and conclude the same within six months from the date of receipt/production of a copy of the order, failing which the petitioner would be at liberty to renew his prayer for bail before the trial court itself.

(Ashwani Kumar Singh, J)

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