

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51999 of 2015

Arising Out of PS.Case No. -116 Year- 2012 Thana -BIBHUTIPUR District- SAMASTIPUR

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Md. Bhaglu @ Mohd. Bhaglu, s/o Late Md. Abdul Aziz @ Md. Aziz,
resident of village Rahua, P.S. Rosera, District Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Opposite Party/s : Mr. Khurshid Anwar (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 06-11-2015 Heard Sri Mukesh Kumar No. 1, learned counsel for the

petitioner.

The petitioner in the present petition has preyed for provisional bail. He is in custody in connection with Bibhutipur P.S. Case No. 116 of 2012, G.R. No. 423 of 2012, registered for the offence punishable under Section 302/ 34 of the Indian Penal Code corresponding to Sessions Trial No. 73 of 2015.

The prayer for regular bail on second occasion was rejected only on 14.10.2015. The said bail petition was filed on 15.9.2015. Immediately after the rejection of the bail on the second occasion the present petition was filed on 3.11.2015 on the plea that marriage of the daughter of the petitioner has been settled which is to be solemnized on 11.11.2015. In the present cases besides petitioner his son is also an accused.

Learned counsel for the petitioner on instruction informs that the son of the petitioner is still absconding. In earlier bail petition report was called for which indicated that evidence before the trial court was going on. Accordingly, while trial is going and in a case where one of the accused who is non else but son of the petitioner is absconding, it would not be advisable for this court to extend the privilege of provisional bail. Accordingly, prayer for provisional bail stands rejected.

However, the jail authority/ Superintendent of Jail, Samastipur as well as the Superintendent of Police, Samastipur are directed to produce the petitioner in police custody on the date of solemnization of marriage which has been schedule on 11.11.2015. Immediately after the solemnization of marriage the petitioner shall be lodged in the jail where he is lying.

Let a copy of this order be sent to the Superintendent of Jail, Samastipur as well as Superintendent of Police, Samastipur through FAX on cost being deposited by the petitioner.

The petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

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