

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1588 of 2015

Arising Out of PS.Case No. -265 Year- 2013 Thana -GOPALGANJ CITY District- GOPALGANJ

Sanjay Singh, Son of Ram Barari Singh, Resident of village-Ekderwa,
Police Station - Gopalganj, District – Gopalganj Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate

For the Opposite Party/s : Mrs. Ansuaiya Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 28-01-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The instant application has been filed for grant of
provisional bail to the petitioner who is in custody in connection
with Sessions Trial No. 152 of 2014 arising out of Gopalganj
City P.S. Case No. 265 of 2013 registered for the offences
punishable under Sections 399, 402, 353, 414 and 307 of the
Indian Penal Code as well as 25(1-B)(a), 26, 27 & 35 of the
Arms Act.

The prayer for bail of the petitioner has been rejected
twice by this Court. On the last occasion, while rejecting the
prayer for bail of the petitioner on 22nd September, 2014, a



direction was given to the Court below to proceed with the trial on day-to-day basis and conclude the same as early as possible preferably within six months from the date of receipt/production of a copy of this order. The impugned order dated 16.12.2014 passed by the learned Additional Sessions Judge, Gopalganj goes to indicate that the trial of the case is proceeding on day-to-day basis and by now four witnesses have already been examined and rest of the witnesses are likely to be examined soon as most of the remaining witnesses are official witnesses.

Learned counsel for the petitioner has submitted that the petitioner's wife is suffering from certain ailment for which she requires immediate medical attention. According to him, there is no one to manage treatment of the wife of the petitioner, as advised by the doctor, except the petitioner. The medical report annexed with the petition would show that the doctor has opined in respect of the health of the wife of the petitioner as under:-

“She was on observative mode of treatment. She requires operative treatment. She is referred to higher centre for needful.”

It would appear that in the present case, affidavit has been filed sworn by the brother of the petitioner, Raj Kishore Singh who is aged about 32 years. He is doing pairvi on behalf

of the petitioner. The prescription of doctor who is treating petitioner's wife has not been brought on record. The contention is that there is none in the family to take care of the wife of the petitioner is falsified from the fact that his brother is doing pairvi in the case on his behalf.

Regard being had to the facts and circumstances of the case, I find no merit in the present application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	
---	--	---	--