

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53020 of 2015

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Chandan Jha @ Chandan Kumar Jha Son of Sri Surendra Prasad Jha
Resident of Village - Rampur Dih, P.S. - Sajour (Shahkund), District -
Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 16-12-2015

The present application has been filed for modification of order dated 06.05.2015 passed in Cr. Misc. No. 28637 of 2014 to the extent of extending the period of provisional bail.

The petitioner being the husband of the victim is facing trial in connection with Sajour (Shahkund) P.S. Case No. 117 of 2012 (Sessions Trial No. 384 of 2013) registered under Sections 307, 326, 329 and 498A of the IPC, pending in the court of learned Additional District Judge IIIrd, Bhagalpur. Subsequently, section 302 of the IPC was also added.

The petitioner was granted provisional bail for six months since he was suffering from cancer and admitted in Jawahar Lal Nehru Medical College, Barari.

It is submitted by learned counsel for the petitioner that after release on provisional bail the trial does not conclude by that time. It is not in dispute that the trial has not concluded, but it is submitted that the petitioner has already surrendered in pursuance to the order of this Court.

In the circumstances, this application is not maintainable. Since the petitioner has already surrendered it is expected from the learned trial court to consider the prayer for regular bail of the petitioner keeping in view of the nature of ailment of the petitioner.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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