

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17180 of 2016

Arising Out of PS.Case No. -231 Year- 2014 Thana -GARDANIBAGH District- PATNA

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Rakesh Kumar S/o Tuntun Rai Resident of Mohalla + PO - Anishabad, Post
Office Gali PS - Gardanibagh, District Patna at present residing at village-
Murajapur, PS + Anchal - Fatuha, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Dharmesh Kumar, Advocate.

For the Opposite Party/s : Mr. D.P. Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-11-2016

Heard both sides.

The petitioner seeks bail in Gardanibagh P.S. Case
No. 231 of 2014 registered under Sections 304(B, 201/34 of the
Indian Penal Code but later on, the police after investigation,
submitted charge sheet under Sections 302, 201/34 of the Indian
Penal Code against the petitioner.

Learned counsel for the petitioner submits that the
prayer for bail of the petitioner was earlier rejected vide order
dated 24.06.2015 passed in Cr. Misc. No. 11484/2015. The
petitioner is in jail for about two years and six months but the trial
has not yet been concluded. There are 14 witnesses in the charge
sheet. Even bailable warrants of arrest were issued against the
witnesses but none of the witnesses has come to the court to
depose. All other accused persons have already been enlarged on



anticipatory bail but it appears from perusal of the records that the petitioner is the husband of the deceased and the daughter of the deceased stated during the course of investigation that it was the petitioner and Sunita Devi, who strangled her mother to death.

Considering the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail in S. Tr. No. 1054 of 2015, arising out of Gardanibagh P.S. Case No. 231/2014. Accordingly, the same is once again rejected.

The petitioner is in jail for about two years and six months. The trial court is directed to hold the trial on day-to-day basis and conclude the same within six months from the date of receipt / production of this order.

The Senior Superintendent of Police, Patna is directed to ensure the presence of the non-examined prosecution witnesses of S. Tr. No. 1054 of 2015, arising out of Gardanibagh P.S. Case No. 231/2014, on the date fixed for evidence in the court of the learned A.D.J. III, Patna so that the trial must be concluded within six months.

The trial court is further directed to inform this Court if on any date fixed for evidence, the Senior Superintendent of Police fails to produce any witness.

If the trial is not concluded within six months, the



petitioner may renew his prayer for bail firstly in the trial court itself.

Let a copy of this order be sent to the trial court as well as the Senior Superintendent of Police, Patna for information and needful.

(Prabhat Kumar Jha, J)

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