

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18635 of 2016

Arising Out of PS.Case No. -385 Year- 2014 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

=====

Hiraman Paswan S/o Sukat Paswan, R/o Village- Balapur, P.S.- Ghora
Sahan, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Adv.

For the Opposite Party/s : Mr. L.K. Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 07-09-2016 Heard both sides.

The petitioner seeks bail in Ghora Sahan P.S. Case No.
385/2014 corresponding to Sessions Trial No. 433/2015,
registered for the offences punishable under Section 302 and other
sections of the Indian Penal Code.

The petitioner is alleged to have assaulted the deceased
Chandra Shekhar with lathi on his head. Consequently, the
deceased died.

The prayer for bail of the petitioner was earlier rejected
vide order dated 24.07.2015 passed in Cr. Misc. 26404/2015 with
a direction to the trial court to conclude the trial within nine
months.

It is submitted that the trial has not yet been concluded, but from perusal of the order of Additional District & Sessions Judge XI, East Champaran at Motihari it appears that altogether nine witnesses have already been examined. Post-mortem report was not available on record; therefore, the Investigating Officer of the case was directed to produce the post-mortem report and that is why trial could not be concluded.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within four months.

The Superintendent of Police, East Champaran at Motihari is directed to ensure attendance of the remaining witnesses of Ghora Sahan P.S. Case No. 385/2014 corresponding to Sessions Trial No. 433/2015 in the court of learned Additional District & Sessions Judge XI, East Champaran at Motihari.

(Prabhat Kumar Jha, J.)

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