

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25212 of 2016

Arising Out of PS.Case No. -105 Year- 2014 Thana -LALGANJ District- VAISHALI (HAJIPUR)

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1. Md. Sabir, son of Rahamtullah, a resident of village- Kunwariya, Police Station- Lalganj, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mrs. Asha Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 16-11-2016 Heard both sides.

The petitioner seeks bail in Lalganj P.S. case No. 105 of 2014, corresponding to Sessions Trial No. 447 of 2015, under Section 302 and other sections of the Indian Penal Code.

It is submitted that prayer of petitioner for bail was earlier rejected by this court vide order dated 04.08.2015 passed in Cr. Misc. No. 44660 of 2014 and the direction was given to the trial court to conclude the trial within nine months from the date of receipt/ production of a copy of that order but even after lapse of more than one year the trial has not yet been concluded. It is submitted that only two prosecution witnesses out of 17 prosecution witnesses have been examined but they did not support the prosecution case. The petitioner is in jail since

02.06.2014. The petitioner has already remained in jail for more than two and half years but from the allegation, it appears that dead body of the wife of the petitioner was recovered on the confessional statement of the petitioner and it was the petitioner who killed his wife.

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

The learned 4th Additional Sessions Judge, Vaishali at Hajipur, who is in seisin of Sessions Trial No. 447 of 2015, is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order.

The Superintendent of Police, Vaishali at Hajipur is directed to ensure the attendance of prosecution witnesses of Lalganj P.S. case No. 105 of 2014, corresponding to Sessions Trial No. 447 of 2015, in the court of learned 4th Additional Sessions Judge, Vaishali at Hajipur so that the trial must be concluded within six months.

If the Superintendent of Police, Vaishali at Hajipur fails to produce any witness on the fixed date, the learned trial Judge shall inform the matter to this court for communication and needful.

Let a copy of this order be sent to the learned trial court as well as Superintendent of Police, Vaishali at Hajipur for information and needful.

(Prabhat Kumar Jha, J)

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