

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.309 of 2016

Arising Out of PS.Case No. -128 Year- 2014 Thana -PHULWARI District- PATNA

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1. Md. Sahjad @ Lallu @ Sahjad @ Md. Lallu @ Md. Sajjad, Son of Mati
Jan @ Md Hussain, resident of Village- Phulwarisharif, Naya Tola, P.S:
Phulwarisharif, District:- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Arya

For the Opposite Party/s : Mr. Awadhesh Kumar Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER**

4 16-03-2016 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 376, 201 of the Indian
Penal Code and Section 4 of POCSO Act.

The learned trial court has reported that out of 18
proposed prosecution witnesses, 10 prosecution witnesses have
already been examined and the case is pending for cross-
examination of investigating officer.



Learned counsel appearing for the petitioner submits that having similar allegation, some co-accused have already been granted privilege of bail and still five prosecution witnesses have been left to be examined and, therefore, there is no possibility of conclusion of trial of the petitioner in near future.

Learned counsel appearing for the informant submits that prosecution has already completed its evidence and due to non cooperation of the petitioner and other accused, the cross examination of investigating officer could not be done. It is further submitted that so far as remaining five private witnesses are concerned, the prosecution is not going to examine the aforesaid witnesses.

The trial court has sought three months time to conclude the trial of the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also keeping in mind the report of learned 1st Additional Sessions Judge, Patna, again I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Special Case No. 14 of 2014 arising out of Phulwarisharif P.S. Case No. 128 of 2014 pending in the court of 1st Additional Sessions Judge, Patna

stands rejected.

However, petitioner may renew his prayer for bail before the trial court itself, if the trial of the petitioner is not concluded within three months.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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