

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36444 of 2016

Arising Out of PS.Case No. -38 Year- 1997 Thana -GOPALPUR District- BHAGALPUR

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Jai Ram Mandal son of Late Kishan Mandal, Resident of Village-
Kulkuliya, P.S.- Gopalpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

3 14-09-2016 The petitioner has renewed his prayer for bail in connection with Sessions Trial No.473 of 2014 arising out of Gopalpur P.S. Case No.38 of 1997 registered under Section 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prayer for bail of the petitioner was earlier rejected by this Court on 8th December, 2014, vide Cr. Misc. No.43814 of 2014.

According to the prosecution case, the petitioner is alleged to have opened fire which hit in the hand and the chest of the brother of the informant as a result of which he died.

It has been submitted by the learned counsel for the petitioner that though the petitioner is in custody since 8.4.2014,



the trial is not proceeding. In view of such submission, by order dated 24.8.2016, learned Additional Public Prosecutor appearing for the State was directed to take instructions from the District Magistrate, Bhagalpur and the Superintendent of Police, Naugachia as to why there was undue delay in production of witnesses in connection with Sessions Trial No.473 of 2014 arising out of Gopalpur P.S. Case No.38 of 1997.

Mr. Jai Narain Thakur, learned Additional Public Prosecutor appearing for the State on receipt of instruction from the Superintendent of Police, Naugachia has submitted that out of ten charge-sheeted witnesses, two have already been examined, four others have died and rest four would be examined within the shortest possible time. He has submitted that all efforts would be made to examine them within nine months from today.

This Court has no reason to doubt the submission made by the State.

Regard being had to the specific allegation made against the petitioner, I am not inclined to grant him bail for the present. Accordingly, the application for bail is rejected.

In case, the prosecution fails to examine the remaining witnesses within nine months from the date of receipt of a copy of this order, the petitioner would be at liberty to renew his prayer for

bail before the court below itself.

Let a copy of this order be communicated to the
Superintendent of Police, Naugachia.

(Ashwani Kumar Singh, J)

Md.S./-

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