

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47465 of 2016

Arising Out of PS.Case No. -283 Year- 2015 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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Navin Kumar Jha son of Ashok Kumar Jha resident of Village- Dhimoh,
P.S.- Harnaut (Gokhulpur), District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 07-12-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201/34 of the Indian
Penal Code.

The learned trial court has reported that three
prosecution witnesses have already been examined and to procure
the attendance of remaining prosecution witnesses including the
investigating officer, processes have already been issued. The
learned trial court has sought six months time for conclusion of
trial of the petitioner.



Petitioner is in jail custody since 22.09.2015 and earlier his prayer for bail was rejected by this court vide order dated 25.01.2016 passed in Cr. Misc. No. 2188 of 2016.

Submission on behalf of the petitioner is that the informant lodged this case on the basis of disclosure made by Asha Kumari but in course of trial, the aforesaid Asha Kumari has not supported the prosecution case and apart from this, almost all the co-accused persons have already been granted privilege of bail and, therefore, petitioner deserves the privilege of bail.

The written report of informant goes to show that informant is himself an eye witness of the alleged occurrence and claims that it was petitioner who put gamcha around the neck of the deceased and after that started kicking him. Admittedly, the informant has not been examined in this case as yet.

Considering the aforesaid facts and circumstances as well as submissions of the parties, the prayer for bail of the petitioner in connection with Sessions Trial No. 453 of 2015 arising out of Harnaut P.S. Case No. 283 of 2015 pending in the court of learned Sessions Judge, Nalanda at Bihar Sharif stands rejected.

However, the trial court should try to conclude the trial of the petitioner within four months from the date of



receipt/production of copy of this order, failing which the petitioner may renew his prayer for bail before the learned trial court itself.

(Hemant Kumar Srivastava, J)

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