

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43172 of 2016

Arising Out of PS.Case No. -176 Year- 2013 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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1. Rajesh Kumar @ Rajesh Bhagat son of Late Chandeshwar Bhagat,
resident of Village- Rajua Bakhari, Police Station- Mehshi, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 05-10-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 658 of 2015, arising out of Mehshi P.S. Case No. 176 of
2013, registered for the offences punishable under Sections 498-A,
304-B/34 of the Indian Penal Code and 3/4 of the Dowry
Prohibition Act.

Earlier the prayer for bail of the petitioner was
rejected by this Court directing the trial court to expedite trial of
the petitioner and conclude the same within nine months from the
date of passing of the order but the impugned order would show
that charge against the petitioner was framed on 05.12.2015 but

uptill now only two prosecution witnesses could be examined and informant as well as three other proposed prosecution witnesses are still to be examined. Furthermore, the impugned order goes to show that process have already been issued against the remaining prosecution witnesses. .

Since, trial of the petitioner has already commenced, I am not inclined to release the petitioner on bail and accordingly his prayer for bail in connection with Sessions Trial No. 658 of 2015, arising out of Mehshi P.S. Case No. 176 of 2013, stands rejected.

However, it is made clear that if the trial of the petitioner is not concluded within six months from the date of receipt/ production of a copy of this order and if any petition for grant of regular bail on behalf of the petitioner is filed, after lapse of the above period, before the trial court, the trial court shall pass appropriate order on the aforesaid regular bail petition particularly keeping mind the period of detention of the petitioner in jail custody as well as his stage of trial.

(Hemant Kumar Srivastava, J.)

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