

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25758 of 2016

Arising Out of PS.Case No. -1 Year- 2014 Thana -LAUKHI District- MADHUBANI

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1. Md. Israil @ Md. Ajjo @ Ajjo S/o Late Noor Mohammad @ Birkha
Mian, resident of Village Majhari , P.S. Nirmali, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 23-11-2016

Heard both sides.

The petitioner seeks bail in Laukahi P.S. case No. 1
of 2014, corresponding to Sessions Trial No. 336 of 2014, under
Section 302/34 of the Indian Penal Code and under Section 27 of
the Arms Act.

The learned counsel for the petitioner submits that
prayer of petitioner for bail was earlier rejected vide order dated
02.04.2015 passed in Cr. Misc. No. 2968 of 2015 with a direction
to the trial court to expedite the trial and conclude the same within
one year from the date of receipt of the order. More than one and
half year has elapsed but the trial has not yet been concluded and
only two prosecution witnesses have been examined.

It appears that there is specific allegation against the
petitioner of firing which caused injury in the chest of the
deceased.

It is submitted that deceased was accused in a murder case of brother of the petitioner and the doctor has not found fire arm injury on chest but it appears from the post mortem report that deceased got many injuries caused by fire arm on account of which he died.

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 2nd Additional Sessions Judge-Madhubani, who is in seisin of Sessions Trial No. 336 of 2014, is directed to hold the trial on day to day basis and conclude the same within nine months.

The Superintendent of Police, Madhubani is directed to ensure the attendance of all non-examined prosecution witnesses of Laukahi P.S. case No. 01 of 2014, corresponding to Sessions Trial No. 336 of 2014, in the court of learned 2nd Additional Sessions Judge, Madhubani so that the trial must be concluded within nine months.

If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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