

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19552 of 2016

Arising Out of PS.Case No. -5 Year- 2015 Thana -MANSAHI District- KATIHAR

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1. Rahman @ Md. Rahman S/o Late Idrish Ali, R/o Bhermara, P.S.-
Mansahi, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Bharat Lal (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 26-10-2016 Heard both sides.

The petitioner seeks bail in Mansahi P.S. case No. 5/2015, corresponding to Sessions Trial No. 143 of 2015, under Section 302 and other sections of the Indian Penal Code.

The prayer of petitioner for bail was earlier rejected by this court vide order dated 21.05.2015 passed in Cr. Misc. No. 10647 of 2015.

The learned counsel for the petitioner submits that Naseema Khatoon, wife of the petitioner, has already been enlarged on bail vide order passed in Cr. Misc. 48863 of 2015 and the case of petitioner stands on same footing but it appears from the perusal of the FIR that husband of the deceased made specific allegation that petitioner and his wife assaulted the deceased, sister

of the informant, and the informant came to know about the occurrence from his brother-in-law. The trial has already begun but the court is vacant.

In view of the allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The learned Sessions Judge, Katihar is directed to transfer Sessions Trial No. 143 of 2015 pending in the court of learned 2nd Additional Sessions Judge, Katihar to any running court so that trial must be concluded and transferee court is directed to hold the trial on day to day basis and conclude the same within four months from the date of receipt of this order.

The Superintendent of Police, Katihar is directed to ensure the attendance of prosecution witnesses of Mansahi P.S. case No. 5 of 2015, corresponding to Sessions Trial No. 143 of 2015, in the trial court so that the trial must be concluded within four months.

(Prabhat Kumar Jha, J)

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