

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21669 of 2016

Arising Out of PS.Case No. -490 Year- 2013 Thana -MALSALAMI District- PATNA

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Chandra Deep Kumar @ Chandra Deep Mahto Son of Mahendra Mahto
Resident of Mohalla- Bari Nagra, Police Station Malsalami, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Vidya Sagar, Advocate.

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-09-2016

Heard both sides

The petitioner seeks bail in Malsalami P.S. Case No. 490 of 2013, registered under Sections 304(B), 201/34 of the Indian Penal Code, corresponding to S. Tr. No. 426/2014.

The petitioner is the husband of the deceased. The prayer for bail of the petitioner was earlier rejected vide order dated 23.03.2015 passed in Cr. Misc. No. 45439 of 2014 with a direction to the trial court to conclude the trial within one year but the trial has not yet been concluded. The petitioner is in jail for about two years nine months. It appears from perusal of the record that the learned 7th Additional Sessions Judge, Patna City has not taken any step to conclude the trial within one year in pursuance of the order passed in Cr. Misc. No. 45439 of 2014.

Since the petitioner is the husband and his wife died

within six months of her marriage, that too, in an unnatural circumstance, I am not inclined to enlarge the petitioner on bail in Malsalami P.S. Case No. 490/2013, corresponding to S. Tr. No. 426/2014. Accordingly, the same is rejected.

The trial court is directed to hold the trial of S. Tr. No. 426/2014 on day-to-day basis and conclude the same within six months from the date of receipt of this order.

The Superintendent of Police, Patna City is also directed to ensure presence of prosecution witnesses in S. Tr. No. 426/2014, arising out of Malsalami P.S. Case No. 490/2013, pending in the court of the learned 7th Additional Sessions Judge, Patna City so that the trial must be concluded within six months.

If the trial is not concluded within six months as aforesaid, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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