

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31630 of 2016

Arising Out of PS.Case No. -137 Year- 2014 Thana -NIMCHAKBATHANI District- GAYA

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1. Kamlesh Yadav Son of Mahesh Yadav Resident of village - Sonsa, P.S.
Nimchak Bathani, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Abhay Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 30-11-2016 Heard both sides.

The petitioner seeks bail in Nimchak Bathani P.S.
case No. 137 of 2014 under Section 302 and other Sections of the
Indian Penal Code.

The learned counsel for the petitioner submits that
prayer of petitioner for bail was earlier rejected by this court vide
order dated 17.09.2015 passed in Cr. Misc. No. 42802 of 2015.
The petitioner is next door neighbour of the deceased and on
account of some petty dispute single blow was given by the
petitioner causing the death of the father of the informant. The
petitioner is in jail since 20.11.2014.

It appears that it was the petitioner who gave blow
with iron rod on the head of deceased and the deceased died on the

spot.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

Since the petitioner is in jail since 20.11.2014, the learned trial court is directed to hold the trial on day to day basis and conclude the same within one year from the date of receipt of this order.

The Senior Superintendent of Police, Gaya is directed to ensure the attendance of all the prosecution witnesses of Nimchak Bathani P.S. case No. 137 of 2014, corresponding to Sessions Trial No. 502 of 2015/ 16 of 2016, in the court of learned 1st Additional Sessions Judge, Gaya so that the trial must be concluded within one year.

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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