

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8847 of 2016

Arising Out of PS.Case No. -64 Year- 2014 Thana -TEDHAGACHH District- KISANGANJ

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1. MD. MASAOWAR ALAM @ MASBAR ALAM@MASBAR Son of
Nazir Resident of village - Binabari, Dhabeli, P.S. Terhagachh, District -
Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Anil Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 31-08-2016

Heard both sides.

The petitioner seeks bail in Terhagachh P.S. Case
No. 64 of 2014 registered for the offence punishable under
sections 304(B)/34 of the Indian Penal Code pending in the court
of the learned Chief Judicial Magistrate, Kishanganj.

The prayer for bail of the petitioner was earlier
rejected by this Court by order dated 07.05.2015 vide Criminal
Misc. No. 10058 of 2015 with a direction to the learned trial court
to expedite the trial and conclude the same within nine months.

It is submitted that the trial has not yet concluded
and the petitioner is in jail since 24.10.2014. A report was called
for and the learned 1st Additional Sessions Judge, Kishanganj has

reported that on 10.08.2016 charges were framed and the case is posted on the basis of Calendar trial.

It appears that the petitioner is the husband of the deceased and the allegation is that the petitioner and his family members burnt the deceased to death.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. This application for bail is, accordingly, rejected.

The trial court is directed to expedite and hold the trial of the petitioner on day to day basis so that the trial must be concluded positively within six months from the date of receipt/production of a copy of this order. However, if the trial is not concluded within the period aforesaid, the petitioner may renew his prayer for bail firstly in the trial court itself.

(Prabhat Kumar Jha, J)

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