

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24198 of 2016

Arising Out of PS.Case No. -803 Year- 2015 Thana -PHULWARI District- PATNA

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1. Guddu Kumar S/o Pullak Singh Resident of Village-Bari Khagaul Kumhar Toli, PS Khagaul, District Patna whereas at Present residing at Village- Govindpur Nonia Toli, PS Phulwari Sharif, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Azeem & Mr. Nawal Kishore Prasad

For the Opposite Party/s : Mr. T.P.Mandal (App)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-06-2016

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 376, 511, 302 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and co-accused Sonu Sao are alleged to have attempted to commit rape upon the deceased and thereafter she was thrown in a canal and was drowned to death by these two accused persons.

Taking into consideration the nature of allegation as disclosed in the first information report vide annexure-1, and also taking into consideration the role played by the petitioner in committing the crime in question, this Court is not inclined to accede to the prayer made on behalf of the petitioner for grant of bail at this stage. Accordingly, the prayer for bail of the petitioner in connection with Phulwarisharif P.S. Case No. 803 of 2015 pending in the court of Smt. Sheema Eram, Judicial Magistrate,

Patna is rejected for the present.

The learned Judicial Magistrate, in seisin of the criminal case, is directed to commit the case of the petitioner to the court of Session forthwith, if not already committed. On such commitment the learned Sessions Judge, Patna shall ensure that the trial of the petitioner is taken up on priority basis and all endeavour shall be made to conclude the trial of the petitioner at an early date preferably within a period of one year from the date of commitment of the case to the court of Sessions. However, if the trial of the petitioner is not concluded within the aforesaid period of one year, then the petitioner shall be at liberty to renew his prayer for bail.

(Birendra Prasad Verma, J)

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