

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35789 of 2015

Arising Out of PS.Case No. -208 Year- 2009 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

=====

Ali Mohammad son of Sattar Mian, resident of village- Kataha, P.S.- Muffasil,
District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Jeetendra Narayan, Advocate

For the State : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 08-03-2017

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in connection with Muffasil P.S.
Case No. 208 of 2009 dated 06.11.2009 instituted under Sections
302/323/324/34 of the Indian Penal Code.

This is the second attempt of the petitioner for bail in
connection with Muffasil P.S. Case No. 208 of 2009 as earlier such
prayer was rejected by order dated 11.08.2014 in Cr. Misc. No. 17434
of 2014 with a direction to the Court below to expedite the trial and
conclude the same within nine months and the same not having been



done, a report was called from the Court below. Pursuant to the same, a report has been received from the 2nd Additional Sessions Judge, East Champaran dated 16.01.2017. The same reveals that the case was pending before the Judicial Magistrate and was finally committed to the Sessions on 21.12.2016 and thereafter charges have been framed on 16.01.2017 and the trial has commenced.

On merits, as earlier the prayer was rejected in the background that the petitioner was the sole assailant of the deceased who died due to knife injury, and there being no change in the circumstances, except for passage of time, the Court is not inclined to grant bail to the petitioner.

Accordingly, the application stands dismissed.

However, since already time was fixed for disposal and the same not having been done, the Court directs that the trial be concluded positively by 30th September, 2017, failing which this Court shall be constrained to take strict judicial note of such non-compliance.

Registry shall communicate the order to the Court below through Fax also latest by tomorrow.

(Ahsanuddin Amanullah, J)

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