

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35686 of 2016

Arising Out of PS.Case No. -576 Year- 2013 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Prakash Kumar, son of Ramesh Prasad, resident of Mohalla, Amla Patti,
P.S. Motihari, East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.3

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 18-11-2016 Heard the counsel for the petitioner and Mr. Navin
Kumar Pandey, APP for the State.

The petitioner prays for bail in Motihari Town P.S. Case
No. 576 of 2013 registered under sections 302, 307 & 452 IPC.

The prosecution case, in brief, is that the accused
persons entered into the rented room of the informant and the co-
accused Vikram Kumar inflicted 4-5 knife blows in the chest and
abdomen of the deceased. When Hulla was raised the informant
arrived. It is alleged that she too was inflicted one knife blow
by the co-accused Vikram Kumar and the petitioner assaulted her
with hockey stick on her head.

The contention of the petitioner is that he is not the
assailant of the deceased as per the FIR. The petitioner is
languishing in jail custody since 18.01.2016. The informant has

not received any serious injury on her head.

A report was called for from the learned trial court which has been received and placed at Flag-A on perusal whereof it appears that 10 out of 15 prosecution witnesses cited in the charge-sheet have already been examined. The trial court expects conclusion of the trial within 03 months.

Learned APP opposed the prayer and submitted that in a brutal manner the deceased was done to death. The petitioner absconded for sometime and only after steps under the provisions of the Cr. PC. were taken he surrendered.

Considering the facts and circumstances of the case, this Court is not inclined to extend the petitioner the privilege of bail. The prayer is accordingly rejected.

However, considering the period of incarceration and the report submitted by the trial court, a liberty is granted to the petitioner to renew his prayer for bail in the court below itself if the prosecution witnesses are not examined within 03 months from the date of receipt/production of a copy of this order.

(Kishore Kumar Mandal, J)

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