

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50165 of 2016

Arising out of P.S. Case No. -149 Year- 2012 Thana -RUPAULI District- PURNIA

Raj Kishore Mandal, son of Suresh Mandal, resident of Village- Maini,
Police Station Rupauli, District- Purnia.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sachindra Kumar Tiwary, Advocate.
For the State : Mr. Smt. Reena Sinha

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 23-11-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has renewed his prayer for bail in connection with Sessions Trial No. 447 of 2013 arising out of Rupauli P.S. Case No. 149 of 2012. His application for bail was earlier rejected by this Court vide order dated 13.1.2014 passed in Cr. Misc. 28025 of 2013.

It is contended by the learned counsel for the petitioner that by now the petitioner has remained in custody for a period of three years and ten months and the trial is not likely to conclude in near future. The petitioner has got no criminal antecedent and when he was made accused in the concerned case, he surrendered before the court below and since then, he is lying

in jail. Having got root in the society, the petitioner is not likely to abscond or tamper with the evidence, if released on bail.

I have heard learned counsel for the petitioner and perused the record. The petitioner is facing a serious charge under Section 304/34 of the Indian Penal Code. The prosecution has alleged that the wife of the petitioner was killed in her matrimonial home. On autopsy of the body of the deceased, the Medical Officer has reported that the cause of death was asphyxia as a result of throttling.

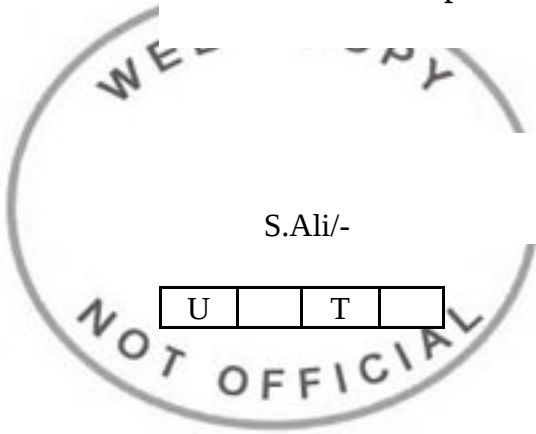
Considering the gravity of the offence, I am not inclined to grant bail to the petitioner for the present. Accordingly, the application is dismissed.

Since the petitioner is in custody for over a period of three years and ten months, the trial court is directed to hold the trial of the petitioner on day-to-day basis and conclude the same within a period of seven months, failing which, the petitioner would be at liberty to renew his prayer for bail before the court below itself.

The prosecution is also directed to produce its witnesses so that the trial may conclude within the stipulated period.

Let a copy of this order be communicated to the

Superintendent of Police, Purnea, for taking necessary steps to produce the prosecution witnesses in court on the dates of trial.



(Ashwani Kumar Singh, J)