

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20401 of 2016

Arising Out of PS.Case No. -268 Year- 2014 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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Md. Samim Son of Md. Suleman Resident of Village Mohammadpur,
Police Station – Bakhtiyarpur, District- Saharsa

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Opposite Party/s : Mr. Md. Nazir Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 07-09-2016 Heard both sides.

The petitioner seeks bail in Bakhtiyarpur (Balwahat O.P.) P.S. Case No. 268/2014 corresponding to S.Tr. No. 2458/2014, registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the prayer for bail of the petitioner was earlier rejected vide order dated 15.04.2015 passed in Cr. Misc. No. 6498/2015 with a direction to the trial court to expedite the trial and conclude the same within one year from the date of receipt of this order. It is submitted that out of 14 witnesses only two prosecution witnesses have been examined and more than one year and five months have been lapsed.

It appears that the petitioner is the husband of the deceased and he is languishing in jail for about two years. There is specific allegation that the petitioner and other in-laws killed the daughter of the informant by strangulating.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

The learned 2nd Additional District & Sessions Judge, Saharsa, who is in seisin of S.Tr. No. 2458/2014, is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order.

The Superintendent of Police, Saharsa is directed to ensure the evidence of rest of prosecution witnesses of S.Tr. No. 2458/2014 in the court of 2nd Additional Sessions Judge so that the trial must be concluded within six months. If the court of learned 2nd Additional Sessions Judge is vacant, learned Sessions Judge is directed to transfer the case in a running court so that he will take all the steps for concluding the trial. If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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