

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19555 of 2016

Arising Out of PS.Case No. -128 Year- 2014 Thana -KATIHAR MUFFASIL District- KATIHAR

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Md. Ajmer @ Ajmer son of Md. Suddin Miyan @ Minya resident of
Village- Makhdumpur, Police Station- Muffassil, District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-06-2016 Heard the learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 14.11.2014 in a case
instituted under Sections 302 and 120B/34 of the IPC in
connection with **Muffasil P.S.Case No.128 of 2014(Sessions
Trial No.62 of 2015)** pending in the Court of **5th Additional
Sessions Judge, Katihar.**

As per the prosecution case, the informant, uncle of
deceased Samina Khatoon has alleged that the deceased was
married to the petitioner about 15 years ago and she was blessed
with three children. However, petitioner married with another lady
and due to her, she was being tortured. When her *Naihar* people
intervened, their relationship improved. On 13.11.2014, the

informant came to know that the petitioner and other have killed his niece Samina Khatoon by throttling her neck.

The earlier bail application of the petitioner was rejected vide Cr.Misc.No.41029 of 2015 on 14.10.2015. This is the second attempt for bail on behalf of the petitioner. The petitioner is said to have falsely been implicated in the present case due to mistake of fact. There is no eye witness to the occurrence.

On perusal of the report submitted by the trial Court which is at flag-‘X’, it appears that as many as four witnesses have already been examined and process has been issued against the rest of the witnesses.

On behalf of the State, it is submitted that since the trial is in progress, it would not be appropriate to grant bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner, the same is rejected.

Anyhow, the trial court is directed to take all necessary steps to secure the production of the prosecution witnesses and conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of this order.

Let a copy of this order be sent to the Superintendent of

Police, Katihar so that the trial could be concluded within the period as mentioned above.

(Sudhir Singh, J)

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