

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5210 of 2017

Arising Out of PS.Case No. -117 Year- 2014 Thana -SAHIYARA District- SITAMARHI

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Rajeev Kumar, Son of Ram Babu Mahto, R/o village - Baduri, P.S.
Sahiyara, District - Sitamarhi

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 12-04-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304B, 120B/ 34 of the Indian
Penal Code.

The trial court has reported that trial of the petitioner
is going on in full swing though up till now, only three prosecution
witnesses out of eight charge sheeted witnesses could be
examined.

Earlier the prayer for bail of the petitioner was twice
rejected and while rejecting the prayer of bail of the petitioner vide



order dated 21.09.2016 passed in Cr. Misc. No. 20005 of 2016, this court had directed the trial court to conclude the trial of the petitioner within three months from the date of receipt of aforesaid order.

Petitioner happens to be husband of the deceased and no doubt, petitioner is in jail custody since the year 2015 but it appears from the report of learned 2nd Additional Sessions Judge, Sitamarhi that trial of the petitioner is likely to be concluded in very short span of time.

Considering the report of trial court as well as facts and circumstances of the case, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Sessions Trial No. 327 of 2015 arising out of Sahiyara P.S. Case No. 117 of 2014 pending in the court of 2nd Additional Sessions Judge, Sitamarhi is again rejected.

However, learned trial court is directed to conclude the trial of the petitioner within four months from the date of receipt/production of copy of this order even by taking the trial of the petitioner on day to day basis. It is made clear that petitioner may renew his prayer for bail, if his trial is not concluded within the above stated period of four months.

Let a copy of this order be sent to Superintendent of



Police, Sitamarhi with direction to him to ensure the presence of remaining prosecution witnesses of aforesaid case before the concerned court without any delay.

(Hemant Kumar Srivastava, J)

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