

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20262 of 2017

Arising Out of PS.Case No. -139 Year- 2016 Thana -DHURAIYA District- BANKA

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1. Nitish Kumar @ Nitish Kr. Yadav Son of Upendra Yadav, Resident of
Village- Raghunikitta, Police Station- Dhoraiya, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-07-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in S.T. No.227 of 2016 arising out of Dhoraiya P.S. case No.139 of 2016 instituted for the offence under Sections 147, 148, 149, 323, 341, 307 and 302 of the Indian Penal Code, pending in the court of learned IVth Additional Sessions Judge, Banka.

The earlier bail application of the petitioner was rejected vide Annexure-1 to the present application taking into account that specific allegation of assault by iron rod on the head of the deceased has been alleged in the F.I.R. and the postmortem report also supported the said allegation.

This is the second attempt on behalf of the petitioner for grant of bail.

A report was called for from the court below regarding the stage of the case. It has been reported that the charge has been



framed and the case is running at the stage of prosecution evidence. It is further pointed out that the trial is expected to be concluded within a period of nine months.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and he is said to have caused fatal injury upon the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to conclude the trial within a period of nine months from the date of receipt/production of a copy of this order.

The District Magistrate, Banka and the Superintendent of Police, Banka are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

Let this order be communicated to the District Magistrate, Banka and the Superintendent of Police, Banka.

(Sudhir Singh, J)

Narendra/-

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