

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25196 of 2017

Arising Out of PS.Case No. -428 Year- 2016 Thana -MARHAURA District- SARAN

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Harun Rashid @ Harun Rasid

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Anil Kumar

For the Informant : Mr. Prashatn Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-06-2017 Heard the parties.

This application is for grant of regular bail in connection with Marhowrah (Goura O.P.) P.S.Case no.428 of 2016 for the offences under Sections 316, 307, 498A, 323 & 379/34 of the Indian Penal Code.

The petitioner is husband and allegation against him is of assault to his wife.

It is submitted on behalf of the petitioner that prior to lodging of this case, the petitioner had divorced her as per Muslim customs and thereafter the present case has been lodged. It is further submitted that after investigation, no case is made out under Section 307 of the Indian Penal Code and the charge-sheet has been submitted under Section 498A of the Indian Penal Code. The cognizance has been taken and the petitioner is in custody for



more than three months.

Heard learned A.P.P. as well as learned counsel for the informant. The learned counsel for the informant has opposed the prayer for bail stating that there is allegation of cruelty against the petitioner and in spite of the fact the Opposite Party is ready to live with the petitioner but the petitioner is not ready to keep her.

Having heard both sides and in view of the allegations, I am not inclined to grant bail to the petitioner at this stage, however, both the parties are appearing in this case, as such, the learned trial court is directed to expedite the trial and try to conclude it within a period of three months by conducting trial on day-to-day basis and the learned counsel for the O.P. undertakes that he will co-operate in disposal of the case also within a period of three months. If not concluded, the petitioner is at liberty to renew his prayer for bail before the court below, who will pass appropriate order.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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