

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53359 of 2016

Arising Out of PS.Case No. -568 Year- 2013 Thana -GOPALGANJ CITY District- GOPALGANJ

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Maya Bhagat son of Dukh Haran Bhagat Resident of Village - Shukul Dumar, P.S. - Bhorey, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Brij Kishore son of Subash Bhagat Resident of Village - Shukul Dumar, P.S. - Bhorey, District - Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5, Adv.
For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 08-02-2017 Heard both sides.

The petitioner seeks bail in Gopalganj Town P.S. Case No. 568/2013, registered for the offences punishable under Section 302, 120B and 34 of the Indian Penal Code and different sections of the Arms Act.

The prayer for bail of the petitioner was earlier rejected vide order dated 09.04.2015 passed in Cr. Misc. 3167/2015 with a direction to the trial court to expedite the trial and conclude the same within one and half years from the date of receipt/production of a copy of this order. One and half years have already been lapsed, but trial has not yet been concluded.

Learned counsel for the petitioner submits that four witnesses have already been examined, but none of them have



supported the case of the prosecution. Only official witnesses are yet to be examined.

Considering the facts aforesaid and the fact that since there is specific allegation against the petitioner that it was the petitioner, who fired causing the death of the deceased, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day-to-day basis and conclude the same within four months from the date of receipt of this order.

The Superintendent of Police, Gopalganj is directed to ensure the attendance of all the non-examined prosecution witnesses of Gopalganj Town P.S. Case No. 568/2013 corresponding to Sessions Trial No. 55/2016 pending in the court of Chief Judicial Magistrate, Gopalganj, so that the trial must be concluded within four months.

Let a copy of this order be sent to the Superintendent of Police, Gopalganj and learned trial court for information and needful. If the trial is not concluded within four months, the petitioner, if so, advised may renew prayer for bail.

(Prabhat Kumar Jha, J.)

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