

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51422 of 2016

Arising Out of PS.Case No. -115 Year- 2012 Thana -BAUNSI District- ARRARIA

=====

1. Shivilal Tudu S/o- Munis Tudu, Resident of Village- Karaila, Kamat Tola,
P.S.- Bausi, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Rajballabh Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-01-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bausi
P.S. Case No. 115 of 2012 giving rise to Sessions Trial No. 246
of 2016 for the offence punishable under sections 302/34 of the
Indian Penal Code pending in the court of the learned Additional
Sessions Judge II, Araria.

It has been submitted on behalf of the petitioner that
during trial no body has supported the case of the prosecution and
the petitioner is languishing in jail since 12.05.2016 i.e. for the last
eight months.

Heard learned A.P.P. also who has opposed the prayer
for bail.



From perusal of the record it appears that earlier a report was called for from the learned court below and the court below has submitted a report stating that out of 13 witnesses, nine witnesses have already been examined and the case is pending only for examination of three witnesses and the I.O. Learned court below has further reported that if the prosecution cooperates with the case, there is every likelihood of disposal of the case within a period of two months.

In view of the aforesaid facts, I am not inclined to grant bail to the petitioner. However, if the trial is not concluded within two months, the petitioner will be at liberty to move the court below concerned itself for bail and the court below shall consider and decide the same on its own merits and on perusal of the materials available on record.

With the aforesaid observation, this application for bail is rejected.

(Vinod Kumar Sinha, J)

Amin/-

U			
---	--	--	--

