

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2384 of 2017

Arising Out of PS.Case No. -13 Year- 2015 Thana -DEODHA District- MADHUBANI

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1. Kailash Gupta, son of Shri Shiv Shankar Gupta, resident of village and P.S. Deodha, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh (APP) 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 08-02-2017 Supplementary affidavit has been filed on behalf of the petitioner annexing the copy of order sheet of Sessions Trial No. 307 of 2015 to show that up till now only charges have been framed on 09.06.2016 and since then no prosecution witness has been examined inspite of direction of this Court to conclude trial within nine months.

Heard learned counsel for the petitioner and the learned counsel representing the State.

The petitioner wants to renew the prayer of bail which was earlier dismissed by order dated 21.01.2016 passed in Cr. Misc. No. 54229 of 2015, on the ground that the petitioner is suffering in custody since 16.04.2015. The son of the petitioner, who is aged about at present 5 years is also in the jail custody



because he is so attached with the petitioner that he does not want to live separately with any of the family members, there is no chance of tampering with the persecution evidence and, as such, the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of bail by submitting that the deceased died due to asphyxia as a result of strangulation.

In the facts and circumstances stated above, finding no good ground for reconsideration of prayer of the bail, again prayer of the bail of the petitioner stands rejected.

However, the learned trial Court is directed to expedite the trial and conclude the same preferably within four months, failing which if the petitioner at no fault, may be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J.)

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