

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39817 of 2016

Arising Out of PS.Case No. -31 Year- 2014 Thana -MAHILA P.S. District- PATNA

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Shyam Prasad son of Sri Ram Ishwar Prasad, resident of village-
Abdullahchak, P.S. - Gopalpur, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo

For the Opposite Party/s : Mr. S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 08-03-2017 Heard both sides.

The petitioner seeks bail in Mahila P.S. Case No. 31 of
2014 registered under Sections 498A, 323, 325, 307 and 377/34 of
the Indian Penal Code.

The prayer for bail of the petitioner was earlier rejected
vide order dated 18.9.2015.

Learned counsel for the petitioner submits that the
petitioner is in jail since 6.2.2015. He has already remained in jail
for more than two years, but trial has not yet been concluded.

The wife of the petitioner had earlier filed Gandhi
Maidan P.S. Case No. 92 of 2012 under Section 498A of the
Indian Penal Code and section 3/4 of the D.P. Act. The petitioner
was granted provisional bail, which was later on confirmed. The



wife- informant does not want to live with the petitioner and on one pretext or other she filed this false case against the petitioner. The injury is also manufactured one, but from perusal of the records it appears that there is specific allegation of assault against the petitioner and that he inserted the iron rod inside the private part of the informant and the doctor found grievous injury.

Considering the facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

Since the petitioner is in jail for more than two years, the trial court is directed to hold the trial on day-to-day basis and conclude the same within six months from the date of receipt of this order.

The learned counsel for the informant is also present and he undertakes to produce the witnesses on each and every date.

(Prabhat Kumar Jha, J)

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