IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55453 of 2016

Arising Out of PS.Case No. -57 Year- 2014 Thana -KHARIK District- BHAGALPUR

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Jitendra Modi, Son of Late Shyam Modi, Resident of Village- Kharik Bazar, Modi Tola, P.S. Kharik, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sunil Kumar Singh
For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 08-03-2017 Heard both sides.

The petitioner seeks bail in Kharik P.S. Case No. 57 of 2014 registered under Section 323 and other sections of the Indian Penal Code and later-on section 302 of the Indian Penal Code was added.

The informant alleged that when he refused to take the vehicle by the side of the bank of the river, the petitioner is alleged to have assaulted him with ‘lathi’ on his head. The informant got injury on the head, thereafter two accused persons namely, Bikki Das and Amit Modi are also alleged to have assaulted him with lathi as also by fists and slaps. The informant died during the course of treatment, after three days due to injury on his head.

The learned counsel for the petitioner submits that

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earlier the prayer for bail of the petitioner was rejected vide order dated 22.9.2015 passed in Cr. Misc. No. 23607 of 2015 with a direction to the trial court to expedite the trial and conclude the same within one year. It is submitted that one and half years have already elapsed, but the trial has not yet been concluded.

A report was called for from the learned 2nd Additional Sessions Judge, Naugachia. It is reported that five witnesses have already been examined and there are altogether seven witnesses remained to be examined on behalf of the prosecution for which summons and non-bailable warrant have already been issued and the S.P. Naugachia and D.I.G., Bhagalpur have been informed in this matter.

Considering the allegation that the petitioner gave fatal blow on the head of the deceased and the post-mortem shows that there were intra fracture and parietal bone injury, on account of which the informant died, I am not inclined to enlarge the petitioner on bail. 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 a copy of this order.

The S.P., Naugachia is also directed to ensure

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attendance of the non-examined witnesses of Kharik P.S. Case No. 57 of 2014, corresponding to Sessions Trial No. 588 of 2015, in the trial court so that the trial must be concluded within six months.

Let a copy of this order be sent to the trial court as well as the S.P., Naugachia for information and strict compliance of the order.

(Prabhat Kumar Jha, J)

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