

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2865 of 2017

Arising Out of PS.Case No. -327 Year- 2016 Thana -BIRAUL District- DARBHANGA

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1. Ghanshyam Acharya S/o Braj Kishore Acharya @ Nathuni Acharya, R/o
Vill-Baliya, P.S. Biraul, Distt.Darbhanga

.... Petitioner/s

Versus

1. State of Bihar
2. Ram Kishore Choudhary S/o Digambar Choudhary R/o Pokhram P.S.
Biraul, Distt. Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dayanand Singh
Mrs. Pallavi Trivedi
For the Informant : Mr. Dileep Kumar
For the Opposite Party/s : Mr. Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-02-2017 Heard the parties.

This application has been filed in connection with Biraul
P.S.Case No.327 of 2016 for the offence under Sections 302/34 of
the Indian Penal Code.

It is submitted on behalf of the petitioner that the petitioner
is the husband of the deceased. There is nothing against him and
only allegation against him is that he has been made accused in
this case on the basis of statement of his son, who is a nine years
old boy, who is living with his grand-father. It is further submitted
that though it has been alleged that the deceased was assaulted
badly but no injury has been found in the post mortem report. The



petitioner is in custody for about four months.

Heard learned A.P.P. as well as learned counsel for the informant. They have opposed the prayer for bail of the petitioner, stating that the son of the petitioner has himself stated in his statement before the Magistrate under Section 164 Cr.P.C. about complicity of this petitioner and other co-accused persons in this case.

Having heard both sides. In view of aforesaid facts, I am not inclined to grant bail to the petitioner at this stage, however, the learned trial court is directed to expedite the trial and try to conclude it within a period of nine months and if not concluded, the petitioner is at liberty to move for bail.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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