

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16455 of 2017

Arising Out of PS.Case No. -56 Year- 2016 Thana -FATUHA District- PATNA

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1. Sunil Rai Son of Basudeo Rai, Resident of Village- Rustampur, P.S.- Raghampur (Rustampur O.P.), District- Vaishali, at present Mohalla- Kachi Dargah, P.S.- Didarganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Niwas Prasad

For the Opposite Party/s Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03 02.08.2017 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State and also heard learned counsel for the informant.

Earlier prayer for bail of the petitioner was rejected by this court vide order dated 16.11.2016 passed in Cr. Misc. no. 27993/2016 but again, bail of the petitioner is sought on the ground of material came on supplementary case diary.

Learned counsel for the petitioner submits that wife of the petitioner filed a petition before higher police official claiming innocence of the petitioner as at the time of alleged occurrence, the petitioner was not present at the place of the occurrence and on the basis of petition filed by wife of the petitioner location of mobile phone of the petitioner was verified and it was found that location of mobile phone of the petitioner was not found at the place of the



occurrence at the time of alleged occurrence but, in my view, plea of alibi can only be decided in course of trial and in the present case, eye witnesses claimed that the petitioner also participated in the present crime.

Therefore, I am not inclined to release the petitioner on bail and, again, his prayer for bail in connection with Session trial no. 148/2017 arising out of Fatuha P.S. Case no. 56/2016 pending in the court of Addl. Sessions Judge VII, Patnacity, Patna stands rejected.

Learned trial court should expedite the trial of the petitioner.

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(Hemant Kumar Srivastava,J)

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