

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50331 of 2016

Arising Out of PS.Case No. -430 Year- 1998 Thana -CHHABILAPUR District- NALANDA
(BIHARSHARIFF)

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1. Chandrika Prasad Son of late Biltu Mahto Resident of Village- Nakpur,
P.S. Chhabilapur, district Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash

For the Opposite Party/s : Mr. Ajit Kumar , APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 19-01-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Chhabilapur P.S. Case No. 430 of 1998 giving rise to Sessions
Trial No. 357 of 2016 for the offence punishable under sections
364(A)/34 of the Indian Penal Code pending in the court of the
learned Additional Sessions Judge III, Nalanda at Biharsharif.

It has been submitted on behalf of the petitioner that
other accused persons having similar allegations have already
been acquitted by the court below concerned by judgment dated
7.10.2010 and 06.09.2011 passed in Sessions Trial No. 256 of
2001 and Session Trial No. 408 of 2011 respectively. As the
petitioner had gone to Delhi to earn his livelihood, he could not
appear in the case earlier and his case was separated and now the
petitioner is in custody for about eight months.



Heard learned A.P.P. also who has opposed the prayer for bail.

Having heard both sides and from perusal of the record it appears that charge-sheet has been submitted in the case showing him absconder in the year 2001 and as such his case was separated from other accused persons and now he has been arrested in the year 2016.

In this case a report had been called for from the trial court from which it appears that out of 12 witnesses, three witnesses have already been examined in the case and the learned trial court has stated that if the prosecution cooperates, the trial may be concluded within one year.

Considering the aforesaid facts and the allegation against the petitioner at this stage, I am not inclined to grant bail to the petitioner. However, the learned trial court is directed to expedite the trial and conclude the same within one year and if the trial is not concluded within the period aforesaid, the petitioner may renew his prayer for bail.

With the aforesaid observation, this application for bail is rejected.

(Vinod Kumar Sinha, J)

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