

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55562 of 2016

Arising Out of PS.Case No. -113 Year- 2015 Thana -MARACHI District- PATNA

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1. Dinesh Kewat, S/o Late Ramji Kewat, Resident of Village- Neema Panday, P.S.- Halsi, District- Lakhisaraya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 03-03-2017 Heard both sides.

The petitioner seeks bail in Marachi P.S. case No. 113 of 2015 under Section 302/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant named four persons, including the petitioner, and alleged that petitioner and others made firing causing the death of Vijay Kewat on the spot.

Sri Krishna Prasad Singh, the learned senior counsel for the petitioner, submits that during the course of investigation almost all the witnesses have stated that firstly Prahlad Kewat fired and thereafter the petitioner is alleged to have fired but Prahlad Kewat has already been granted bail vide order dated 25.11.2016 passed in Cr. Misc. No. 50786 of 2016 and the case of



petitioner stands on the same footing as that of Prahlad Kewat.

The learned counsel for the informant as well as the learned Additional Public Prosecutor opposed the prayer for bail.

It appears that petitioner and Prahlad Kewat are alleged to have fired and from perusal of the post mortem report it appears that there are two fire arm injuries on the person of the deceased.

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

The learned counsel for the informant has submitted that five witnesses, including the informant, have already been examined.

The learned 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/ production of a copy of this order.

The Additional Superintendent of Police, Barh is directed to ensure the attendance of non examined prosecution witnesses of Marachi P.S. case No. 113 of 2015, corresponding to Sessions Trial No. 673 of 2016, in the court of learned 2nd Additional Sessions Judge, Barh so that the trial must be concluded within six months.

Let a copy of this order be sent to the learned trial



court as well as Additional Superintendent of Police, Barh for information and needful.

If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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