

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42935 of 2016

Arising Out of PS.Case No. -76 Year- 2016 Thana -MANSI District- KHAGARIA

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Dular Chand Sharma @ Dular Chandra Sharma Son of Late Bhulo Sharma
Resident of Village-Bariyarpur, P.S.- Bakhiyarpur, District Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Neeraj Kumar @ Sanidh and
Mr. Subesh Sharma, Advocates.

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

For the Informant: Mr. Mahendra Thakur, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 09-01-2017 Heard learned counsel for the petitioner and learned
A.P.P. appearing on behalf of the State.

The petitioner seeks bail in Mansi P.S. Case No. 76
of 2016 registered under Sections 302, 120B/34 of the Indian
Penal Code.

It has been submitted on behalf of the petitioner that
except suspicion there is nothing against the petitioner and from
perusal of the case diary itself it appears that it is a case of last
seen. It has further been submitted that earlier there was no
instruction with regard to criminal cases against the petitioner but
three cases were pending against the petitioner out of which in two
cases he has been acquitted. It has also been submitted that the
petitioner is in custody since 17.05.2016.



Heard learned A.P.P. as well as learned counsel appearing on behalf of the informant. It has been submitted on behalf of the informant that in Para 22 of the case diary, the brother of the deceased has named the petitioner disclosing that the deceased was going along with the petitioner and thereafter his dead body was found. It has further been submitted that the petitioner has got criminal antecedents as he is involved in two other criminal cases. It has also been submitted that charge has been framed in this case and one witness has also been examined and, as such, the petitioner does not deserve bail at this stage.

Having heard both sides and in view of the fact that there is no evidence of last seen in this case and it appears from the case diary also that the trial is at the advance stage and one witness has already been examined, as such, I am not inclined to enlarge the petitioner on bail in Mansi P.S. Case No. 76/2016 at this stage.

The learned court below is directed to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of this order.

(Vinod Kumar Sinha, J)

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