

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9770 of 2017

Arising Out of PS.Case No. -64 Year- 2014 Thana -SIKRAUL District- BUXAR

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Bhootnath Singh @ Bhodu Singh @ Bhodu, Son of Ghyanshyam Singh,
Residents of Village- Bhadar, Police Station- Sikraul, District Buxar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav

For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 03-05-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

Earlier the prayer for bail of the petitioner was
rejected by this court taking note of this fact that he is said to have
given several dagger blows causing death of the deceased but this
bail petition has been filed on the ground of period of detention of
the petitioner, who is in jail custody since 15.07.2014.

The learned trial court has reported that petitioner
and one co-accused were facing trial before the trial court and on
20.01.2016, a petition under Section 319 of the Cr.P.C. was filed



to summon three co-accused who were subsequently summoned and thereafter, charges were framed against them and the date is fixed for recording the prosecution evidence.

The aforesaid fact goes to show that de novo trial has been commenced and the trial court has sought one year time to dispose of Sessions Trial No. 05 of 2015 arising out of Sikraul P.S. Case No. 64 of 2014.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I do not feel it proper to release the petitioner on bail and hence, his prayer for bail in connection with above stated case stands rejected.

However, it is made clear that if the trial of the petitioner is not concluded due to non cooperation of the prosecution within the above stated period of one year or after examination of entire prosecution witnesses, the petitioner may renew his prayer for bail before the learned trial court itself.

(Hemant Kumar Srivastava, J)

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