

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41751 of 2017

Arising Out of PS.Case No. -95 Year- 2014 Thana -MURLIGANJ District- MADHEPURA

=====

1. SAMID MIAN @ MD. SAMID @ MD.SAMID MIAN, Son of Nasir Mian, Resident of Village- Gamharia, P.S. Murliganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 06-12-2017 Heard the learned counsel for the petitioner and the learned A.P.P.

The petitioner seeks bail in Murliganj P.S. case No. 95 of 2014, corresponding to Sessions Trial No. 16 of 2017, registered under Section 302 and other sections of the Indian Penal Code.

The learned counsel for the petitioner submits that the prayer of petitioner for bail was earlier rejected by this court vide order dated 06.12.2016 passed in Cr. Misc. No. 42872 of 2016. The entire prosecution case is doubtful. Injury was found on the neck whereas there is allegation that the firing hit on the chest of the deceased but it appears that it was the petitioner who is alleged to have fired which hit in the scapular of the deceased, Sadre Alam and he died.

The report of learned Additional Sessions Judge-III, Madhepura shows that eight witnesses have already been examined and only four witnesses are yet to be examined.

Considering the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail.



Accordingly, the same is rejected.

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 Superintendent of Police, Madhepura is directed to ensure the attendance of non examined prosecution witnesses of Murliganj P.S. case No. 95 of 2014, corresponding to Sessions Trial No. 16 of 2017, pending in the court of the learned Additional Sessions Judge-III, Madhepura so that the trial must be concluded within six months.

Let a copy of this order be sent to learned Additional Sessions Judge-III, Madhepura as well as Superintendent of Police, Madhepura 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)

BKS/-

U		T	
---	--	---	--

