**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.42937 of 2017**

Arising Out of PS.Case No. -7 Year- 2016 Thana -DHANARUA District- PATNA

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Kunal Bind Son of Daya Nand Bind, R/o Village- Siria, P.S.- Dhanarua, District- Patna.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**
For the Petitioner : Mr. Ajay Kumar Mishra, Advocate.
For the Opposite Party : Mr. Ram Sevak Choudhary, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 06.01.2016 in a case for the offence registered under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 04.01.2016 the son of the informant went at the *Nad* while playing. Informant's son split some water from the *Nad.* Upon which, the wife of Kunal Bind started abusing and Kunal Bind threatened the informant. On the next day, Kunal Bind, Dayanand Bind, Chotte Bind, Pratik Bind @ Pritam Bind came and started abusing. Co-accused Manjhal Bind, Sikandar @ Dulli Bind, Saguni Devi also came there and started abusing. Manjhal Bind and Sikandar @

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Dulli Bind gave pistol and cartridge to this petitioner and this petitioner fired from the country made pistol which hit in the left side of abdomen of the husband of informant as a result of which, he died.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 06.01.2016. He has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to enmity. Both the parties are agnates.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. He is the main assailant. The trial has already proceeded. The witnesses are being examined in the present case.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 452/2016 (Dhanarua P.S. Case No. 07/2016), pending in the court of learned Additional Sessions Judge-X, Patna.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of one year from

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the date of receipt/production of copy of this order.

U.K./-

**(Sudhir Singh, J)**

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