

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35168 of 2018

Arising Out of PS.Case No. -111 Year- 2016 Thana -HATHAURI District- MUZAFFARPUR

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Dinesh Sahni son of Kishori Sahni Resident of Village - Narma (Dih), P.S. -
Hathouri, District - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-07-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

This is the third round of litigation. Earlier the prayer
for bail was rejected vide order dated 26.07.2017 passed in Cr.
Misc. No. 26370 of 2017 and Cr. Misc. No. 15710 of 2018 vide
order dated 16.05.2018.

Petitioner is languishing in judicial custody since
26.10.2016 in connection with Sessions Trial No. 135 of 2017
arising out of Hathauri P.S. Case No. 111 of 2016 for offences
punishable under Sections 147, 148, 149, 341, 323, 307, 302 of
the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that the petitioner along with others came to his door and started



abusing and assaulting him and his family members. It is alleged that the petitioner along with another co-accused Mahesh Sahani strangled the daughter of the informant Seema Kumari by her own Dupatta who after being taken to the hospital, was declared dead.

It has been submitted by the learned counsel for the petitioner that he is innocent. In fact there was a dispute between both the parties and a petty altercation took place and the daughter of the informant was accidentally strangled by her own Dupatta. He submits that a counter case being Hathauri P.S. Case No. 127 of 2016 has been lodged by the petitioner's side and the petitioner himself received injuries and was arrested from the hospital. He submits that charges have been framed, petitioner undertakes to cooperate in the trial on day to day basis and is languishing in judicial custody since nearly one year nine months, therefore, a sympathetic consideration be given.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the daughter of the informant has been strangled in presence of the informant by the petitioner and other co-accused.

Learned APP for the State also opposes the prayer for bail.



In this regard, a report was called for from the court of the learned 13th Additional District and Sessions Judge, Muzaffarpur who has stated that one witness has been examined and the trial is likely to conclude within six months.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner in connection with Sessions Trial No. 135 of 2017 arising out of Hathauri P.S. Case No. 111 of 2016, pending in the court of learned 8th Additional District and Sessions Judge, Muzaffarpur.

The application is, accordingly, rejected.

However, the trial court is directed to expedite the trial and conclude the same within six months. The petitioner is at liberty to renew his prayer for bail after six months, if trial is not concluded by that time.

(Nilu Agrawal, J)

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