

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31637 of 2018

Arising Out of PS. Case No.-40 Year-2016 Thana- DEORIYA District- Muzaffarpur

Md. Hussain Son of Md. Mowal @ Mowal Mian, resident of Village-
Bhojpatti, P.S. Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-07-2018 Heard learned counsel for the petitioner and learned
Addl. P.P. appearing for the State.

Petitioner had moved for bail earlier on two occasions
which was rejected.

Petitioner is languishing in judicial custody since
29.05.2016 in connection with Sessions Trial No. 640 of 2016
arising out of Deoriya P.S. Case No. 40 of 2016 for the offences
alleged under section 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner was married to his daughter in the year 2012
and while the petitioner was in his in-laws house with his wife
and three year old daughter in a closed room, his daughter was
stabbed in the night, which is alleged to have been committed
by the petitioner.



It has been submitted by the learned counsel for the petitioner that he is innocent, languishing in judicial custody for more than two years and trial has not yet concluded. He further submits that out of nine witnesses, only six have been examined and the trial is going on in a very slow pace.

In this regard, a report was called for from the Court of 1st Additional District and Sessions Judge, Muzaffarpur, who has stated that only three witnesses are left to be examined and the trial is likely to conclude within three months if parties co-operate.

Considering the facts and circumstances of the case, I am not inclined to grant the privilege of bail to the petitioner. His prayer for bail is, accordingly, rejected.

However, he may renew his prayer for bail after three months, if trial is not concluded by that date.

(Nilu Agrawal, J)

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