

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62714 of 2017

Arising Out of PS.Case No. -154 Year- 2016 Thana -PAROO District- MUZAFFARPUR

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Ajay Rai S/o Ganesh Rai, R/o Village- Mahmadpur, P.S.- Paroo, District-
Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier the prayer
for bail of the petitioner was rejected vide order dated 01.08.2017
passed in Cr. Misc. No. 27561 of 2017.

Petitioner is languishing in judicial custody since
16.01.2017 in connection with Sessions Trial No. 295 of 2016
arising out of Paroo P.S. Case No. 154 of 2016 for offences
punishable under Sections 147, 148, 149, 341, 323, 324, 447, 504,
506, 307 and 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is



that there was dispute between the parties regarding proceeds of Sheesham tree and the petitioner along with other co-accused came variously armed with Lathi, sword, Farsa and iron rod started assaulting the informant and other family members. Specific allegation upon the petitioner is of giving sword blow on the neck of the informant's husband who succumbed to the injury while being taken to the hospital.

A report was called for from the court of the learned Sessions Judge, Muzaffarpur who has sent a report dated 31.01.2018 stating therein that Sessions Trial No. 795 of 2016 has been amalgamated with Sessions Trial No. 556 of 2017 and three witnesses out of 12 witnesses have been examined and the trial is likely to be concluded within nine months.

However, learned APP for the State opposes the prayer for bail.

Considering the facts that the informant was an eye witness to the alleged occurrence and trial is likely to be concluded within nine months as per the report, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Sessions Trial No. 295 of 2016 arising out of Paroo P.S. Case No. 154 of 2016, pending in the court of learned Sessions Judge, Muzaffarpur.



The application is, accordingly, rejected. However, the petitioner is at liberty to move this Court after nine months if trial is not concluded by that time.

(Nilu Agrawal, J)

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