

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60817 of 2017

Arising Out of PS.Case No. -133 Year- 2016 Thana -BENIPATTI District- MADHUBANI

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1. Md. Shamim Akhtar @ Md. Shamim, S/o Md. Sahir Aajad @ Shawir
Aazad, R/o Village- Paigambarpur, P.S.- Kewati, District- Darbhanga.
.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate with
Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 04-04-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Benipatti P.S. Case No.133**
of 2016 instituted for the offence under Section(s) 364, 379/34,
302, 201 Indian Penal Code.

Prayer of the petitioner for bail was earlier rejected
by this Court by order dated 09.03.2017 passed in Cr. Misc.
No.3752 of 2017.

Fresh bail application has been filed on behalf of the
petitioner on the ground that co-accused, Mukesh Sah, has given
confessional statement on 08.01.2018 before the police, wherein,
he has confessed his guilt and stated that false statement was
given by the deceased before the Magistrate against her in-laws



on the provocation of her relatives.

From the earlier order passed by this Court, it appears that statement of Mukesh Sah was recorded in para 87 of the case diary, wherein, he has not given such statement. In that statement, he has stated that deceased was found loitering near Nala Sopara Station and he kept her in his house as wife by name Puja. On 31.10.2016, when he came to house, he found deceased, Ulfat Praveen, burning. He made efforts to save her and also sustained burn injuries. The deceased told him that her husband, Md. Shamim, and three others had burnt her by sprinkling kerosene oil. It is also mentioned in the aforesaid order that statement of the deceased was recorded by the Executive Magistrate, Mumbai, prior to her death, which is available in para 68 of the case diary, wherein, she has stated that her husband, Md. Shamim, has burnt her along with other accused persons as named in her statement.

A report was called for from the Court below about the present stage of the case, which has been received. From the report, it appears that the case is pending for evidence after framing of Charge. Court below has mentioned that ten months' time is expected to conclude the trial.

In such circumstances, this Court is not inclined to



enlarge the petitioner on bail.

Prayer of the petitioner for grant of bail is once again rejected.

The Court below is directed to expedite the trial and make efforts to conclude the same within a period of ten months from the date of receipt of copy of this order as mentioned in the report.

Liberty is given to the petitioner to renew his prayer for bail in the Court below itself in the event trial is not concluded within the aforesaid period, which shall be considered and disposed off in accordance with law and Trial Court will assign reason in the order for not concluding the trial within the aforesaid time.

(Sanjay Priya, J)

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