

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24267 of 2018

Arising Out of PS. Case No.-101 Year-2016 Thana- ALOULI District- Khagaria

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Ganesh Choupal, Son of Kari Choupal Kari Tanti @ Kari Das, Village-
Rampur Alouli (Tirashi), Police Station- Alouli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved this Court in Cr. Misc.
No. 27854 of 2017, which was rejected vide order dated
28.07.2017.

Petitioner is languishing in judicial custody since
10.01.2017 in connection with S.T. No. 301 of 2017, arising out
of Alouli P.S. Case No. 101/2016, G.R. No. 882 of 2016 for
offences punishable under Sections 307/34 and other allied
Sections of the Indian Penal Code and Section 27 of the Arms
Act. Subsequently, Section 302 of the I.P.C. was added.

The prosecution case, as lodged by the informant, is
that both sides were agnates and due to construction of house a
scuffle took place in which petitioner hit the informant's
husband on the stomach and later he succumbed to the injuries



while undergoing treatment.

It has been submitted by the learned counsel for the petitioner that he is innocent, due to scuffle another case bearing Alouli P.S. Case No. 103 of 2016 was filed on the same day for the same occurrence. He submits that the matter relates to civil dispute and he is ready to cooperate in the trial on day-to-day basis.

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

In this connection, a report was called for from the court of the Presiding Officer, Fast Track Court-I, Khagaria regarding stage of trial, which was received vide letter No. 74 dated 10.05.2018 stating therein that nearly all witnesses have been examined and trial will conclude within two months if the defence side cooperates.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with S.T. No. 301 of 2017, arising out of Alouli P.S. Case No. 101/2016, G.R. No. 882 of 2016, pending in the court of learned Presiding Officer, Fast Track Court No. 1, Khagaria.

Application is, accordingly, rejected. However, trial



court of directed to expedite the trial and conclude the same
within three months.

(Nilu Agrawal, J)

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