

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47744 of 2018

Arising Out of PS. Case No.-230 Year-2016 Thana- MITHANPURA District- Muzaffarpur

Md. Jainul @ Md. Jainun @ Jainul S/o Md. Latif, R/o Vill. Repura Rampur,
P.S.- Saraiya, District Muzaffarpur. At present Mohalla- New Colony, Tenant
of Md. Abdula @ Ibrul, P.S.- Mithanpura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 31-10-2018

Heard both sides.

The petitioner seeks bail in Mithanpura P.S. Case No.230 of 2016, corresponding to Sessions Trial No.129 of 2017, registered under Section 302 and other Sections of the Indian Penal Code, pending in the court of the learned 1st Additional District & Sessions Judge, Muzaffarpur.

The learned counsel for the petitioner submits that there is allegation against the petitioner that he slit the neck of the brother of the informant. Other accused persons were catching hold of the brother of the informant. It is further submitted that other co-accused have already been enlarged on bail. Prayer for bail of the petitioner was earlier rejected vide order dated 19.06.2017, passed in Cr. Misc. No.14872 of 2017 but the trial has not yet been concluded and the petitioner is in jail for more than two years but taking into consideration the facts that it was petitioner who slit the neck of the deceased and the allegation



against the person who has been enlarged on bail is that he was catching the deceased and the case of the petitioner is not same and similar to that of another accused. Report was called for and the learned trial court has reported that the trial would be concluded within eight months.

Taking into consideration the facts that it was petitioner who slit the neck of the brother of the informant causing his death, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The learned trial court is directed to hold the trial on day to day basis and conclude the same within eight months from the date of receipt of this order.

The Senior Superintendent of Police, Muzaffarpur is directed to ensure the attendance of the witnesses of Sessions Trial No.129 of 2017, arising out of Mithanpura P.S. Case No.230 of 2016 so that the trial must be concluded within eight months.

Let a copy of this order be sent to the learned trial court and the Senior Superintendent of Police, Muzaffarpur for information and needful.

(Prabhat Kumar Jha, J.)

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