

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7020 of 2018

Arising Out of PS.Case No. -435 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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1. ROHIT CHOUDHARY @ ROHIT KUMAR CHOUDHARY, son of
late Ram Prakash @ Ram Prasad Choudhary, resident of village-Khoza
Dhanoura P.S.-Rasalpur Dist.-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 21-03-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Kahalgaon (Rasalpur) P.S.**

**Case No.435 of 2016 giving rise to Sessions Trial No.251 of
2017** instituted for the offence under Section(s) 302 Indian Penal
Code pending in the Court of the **7th Additional Sessions Judge,
Bhagalpur.**

Prayer of the petitioner for bail was earlier rejected
by this Court by order dated 22.06.2017 passed in Cr. Misc.
No.19853 of 2017.

As per written report, petitioner is the main assailant
in this case. There is specific allegation against this petitioner that
he assaulted the brother of the informant with iron rod on the
head, hands etc. on account of which he died on the spot.



Thereafter, the petitioner took the dead body of brother of the informant to his house.

A report was called for from the Court below, which has been received. It is mentioned in the report that trial has already started and two witnesses have also been examined in the case. The Trial Court has mentioned that the trial is likely to be concluded within six months.

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**.

However, Trial Court is directed to expedite the trial and make efforts to conclude the same within a period of six months 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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