

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28497 of 2018

Arising Out of PS.Case No. -268 Year- 2016 Thana -PHULWARI District- PATNA

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Ashish Kumar S/o Mukesh Singh@ Sukesh Singh R/o Village- Nawada,
P.S. Phulwari Sharif, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Usha Kumari-1

For the Opposite Party/s : Mr. Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 27-06-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304B/34 of the Indian Penal
Code and Section 3/4 of D.P. Act.

Petitioner happens to be husband of the deceased and
earlier his prayer for bail was twice rejected by this court as well
as once by Hon'ble Apex Court. However, the Hon'ble Apex
Court granted liberty to petitioner to move before this Court after
six months from the date of rejection order dated 08.09.2017 and
taking advantage of the aforesaid observation of Hon'ble Apex
Court, the petitioner has moved this third bail petition.

The learned trial court has reported that charge



against the petitioner was framed on 09.02.2018 and summonses have been issued against the witnesses but up till now, not a single prosecution witness has turned up.

Since the charge has already been framed against the petitioner and the trial has been commenced, I do not feel it proper to release him on bail, at least, at this stage and accordingly, his prayer for bail in connection with Phulwari Sharif P. S. Case No. 268 of 2016 corresponding to Sessions Trial No. 733 of 2016 is again rejected.

The learned trial court is directed to conclude the trial of the petitioner within six months from the date of receipt/production of a copy of this order and if trial court fails to conclude the trial of the petitioner within above stated period due to laches of the prosecution, the petitioner may renew his prayer for bail before this court.

(Hemant Kumar Srivastava, J)

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