

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7110 of 2019

Arising Out of PS. Case No.-237 Year-2014 Thana- BIKRAMGANJ District- Rohtas

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Jitendra Nut son of Mahboob Nut, Resident of Village- Vidhikhap (Mathia),
P.S.- Natwar, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad

For the Opposite Party/s : Mr.Parmanand Prasad

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 22-05-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302, 201/34 of the Indian
Penal Code.

Petitioner along with other accused persons are said to
have committed murder of the father of the informant. Petitioner
has confessed his guilt in the occurrence and mobile of the
deceased was recovered from the house of the petitioner and
parts of the motorcycle of the deceased was recovered from the
Khalihan of the petitioner.

It is submitted by the learned counsel for the
petitioner that no such occurrence as alleged ever took place.



Petitioner has no concern with the aforesaid occurrence. He is not named in the F.I.R. No incriminating article has been recovered from the conscious physical possession of the petitioner. Mobile of the deceased is said to have been recovered from his house but it has not put on T.I.P. Petitioner is not having any Khalihan and no parts of the motorcycle has been recovered from his alleged Khalihan. As per the report, learned Lower Courts was directed thrice for conclusion of the trial within time bound period but learned lower Court vide letter No. 39 dated 30.4.2019 has sought six months more time for conclusion of the trial. Petitioner has been languishing in judicial custody since 01.01.2015.

Learned A.P.P. for the State vehemently opposed the bail petition of the petitioner and submitted that petitioner is involved in the occurrence of murder and mobile and parts of the motorcycle of the deceased is said to be recovered from the house and Khalihan respectively of the petitioner and as per report of learned lower Court, out of eight charge-sheet witnesses, six witnesses have been examined by the prosecution. Moreover, bail petition, petition of the petitioner has been rejected thrice by this Court, hence petitioner does not deserve bail.



Having regard to the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail. Accordingly, prayer for bail, is hereby rejected.

However, learned Trial Court is directed to conclude the trial positively within four months from the date of receipt/production of a copy of this order. Both the parties are expected to extend their co-operation in conclusion of the trial. The Superintendent of Police, Rohtas at Sasaram is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be sent through FAX to the Superintendent of Police, Rohtas at Sasaram for needful.

(Prakash Chandra Jaiswal, J)

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