

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8174 of 2019

Arising Out of PS. Case No.-307 Year-2013 Thana- SARAIYA District- Muzaffarpur

Ganesh Rai Son of Heman Rai Resident of Village-Pokharaira, P.S.- Saraiya,
O.P. Jaitpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 28-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed the prayer for bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case is that the co-accused Akhilesh Rai, Pramod Rai and Ramjay Bhagat caught hold the son of the informant when the petitioner repeatedly assaulted with Farsa to the son of the informant who subsequently succumbed to the injuries.

It is submitted by learned counsel for the petitioner that the accusation is not being corroborated with the injury caused to the victim. The petitioner is languishing in custody since 27.01.2014 and a statement has been made in paragraph 3



of the petition that the petitioner is not having criminal antecedent.

Learned APP submits that the report of learned 1st Additional District & Sessions Judge, Muzaffarpur dated 25.06.2019 reflects that all the prosecution witnesses have been examined except the I.O. and in view of the affidavit of Senior Superintendent of Police, Muzaffarpur, who is present in the Court, to the effect that both the I.O. of the case, Gajendra Prasad and Mukesh Kumar Sharma have been examined by the learned trial Court on 26.08.2019. Moreover, departmental proceeding has been initiated against Suresh Kumar Singh, due to whose latches witnesses could not be produced.

Considering the fact that the trial is on the verge of conclusion since all the prosecution witnesses have been examined, this Court is not inclined to grant bail to the petitioner in connection with Sessions Trial No. 507 of 2014, arising out of Saraiya P.S. Case No. 307 of 2013, pending in the Court of learned Additional District & Sessions Judge Ist, Muzaffarpur.

The counter affidavit filed on behalf of the S.S.P., Muzaffarpur is accepted and he is warned to be careful in future and make sure that the trial of the cases be not hampered due to



non-production of the witnesses, particularly, official witnesses related to the case.

The personal appearance of S.S.P., Muzaffarpur is dispensed with.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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