

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18623 of 2019

Arising Out of PS. Case No.-296 Year-2016 Thana- JAHANABAD District- Jehanabad

Prince Kumar @ Nepali Son of Late Kamal Singh, Resident of Village -
Jhutpali, P.S.- and Distt.- Tari, Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma, Sr. Advocate Mr. Santosh Kr. Pankaj, Advocate
For the Opposite Party/s	:	Mr.Rajeev Nayan (App231)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-08-2019 Heard both sides.

Petitioner seeks bail in Jehanabad P.S. Case No.296 of 2016 corresponding to Sessions Trial No.76 of 2017 registered under sections 365, 302, 201, 120B, 467, 468 and 471 of the I.P.C. and under section 66 of the I.T. Act.

Learned senior counsel for the petitioner submits that the prayer for bail of the petitioner was rejected by this court in Cr.Misc.No.6210 of 2018 and Cr.Misc.No.46890 of 2018 on 21.03.2018 and 31.10.2018 respectively but similarly situated co-accused, namely, Raja Goswami, Manish Kumar, Rahul Kumar @ Fuggi, Hare Ram Yadav and Sangal Swami @ Binay Kumar have already been granted regular bail by different Benches of this court. It is further submitted that till date only



six prosecution witnesses have been examined. The prosecution filed petition under section 319 of the Cr.P.C. but the same was not pressed. Still the trial is going on and similarly situated accused persons are enjoying privilege of bail but it appears that the names of the petitioner and others figured in the case in the confessional statement of Raja Goswami made under section 164 of the Cr.P.C. The co-accused also disclosed the manner and motive of the occurrence and disclosed that Mantu Kumar was killed and his dead body was burnt that too for money. From perusal of the report of 1st Additional Sessions Judge, Jehanabad, it appears that six prosecution witnesses have been examined and trial is likely to be concluded within four months.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the trial within four months from the date of receipt of this order. The S.P., Jehanabad is directed to ensure the attendance of remaining prosecution witnesses so that the trial may be concluded within four months. Let a copy of this order be sent to the S.P., Jehanabad and learned trial court



for information and needful. If the trial is not concluded within four months from the date of receipt of this order, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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