

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26646 of 2019

Arising Out of PS. Case No.-206 Year-2017 Thana- PUNPUN District- Patna

=====

Upendra Gope @ Dhuri @ Upendra Prasad Son of Late Rajendra Prasad
Resident of Village- Manohar, P.S.- Punpun, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate
		Mr. Arvind Prasad Singh, Advocate
For the Opposite Party/s :		Mr. Upendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 12-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act in connection with S.T. No.273 of 2018, arising out of Punpun P.S. Case No. 206 of 2017.

Allegation is that the petitioner is main assailant of the deceased. The report of the learned trial Judge would reveal that charges have been framed on 13.03.2019. The order-sheets of the Court-below reveals that the charges could not be framed, in spite of earlier direction of this Court, for the reason that one of the co-accused Manorma Devi was not appearing in the case for framing of the charges whereas the petitioner is in custody. Manorma Devi is sister of this petitioner. Trial Court has prayed for



six months time for disposal of the trial.

Learned counsel for the petitioner submits that after framing of the charges two witnesses have been examined including the informant and both have turned hostile so far allegation against the petitioner being main assailant is concerned.

Considering the nature of allegation and report of the trial Judge, I am not inclined to enlarge the petitioner on bail for the present. Hence, the prayer for bail is refused. The trial Court is directed to expedite the trial and conclude the same preferably within six months, failing which the petitioner would be at liberty to renew the prayer for bail before the trial judge itself.

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

