

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39373 of 2018

Arising Out of PS. Case No.-28 Year-2016 Thana- SALAIYA District- Aurangabad

Mahendra Ram, S/o Late Arjun Ram, R/o Village- Chein Math, P.S.- Salaiya,
District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 02-01-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Sessions Trial No.137 of
2017/01 of 2018, corresponding to Salaiya P.S. Case No.28 of
2016 for the offence allegedly committed by the petitioner under
Sections 302/201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
prayer for bail of the petitioner was earlier rejected vide order
dated 20.04.2017, passed in Cr. Misc. No.12571 of 2017 with an
observation that the petitioner may renew his prayer for bail if
the trial is not concluded within one year. It is further submitted
that the trial has not yet been concluded.

A report has been called for and the learned
Additional District & Sessions Judge, IV, Aurangabad reported



that only eight witnesses out of 13 prosecution witnesses have been examined but it appears from perusal of the order that minor son of the deceased is the eye witness of the occurrence and he disclosed that the petitioner Mahendra Ram and his brother Satyendra Ram strangled his mother to death and thereafter burnt her dead body.

Taking into consideration the facts aforesaid and the fact that the trial is at the fag end and only the Investigating Officer and the Doctor are to be examined and all the material witnesses have already been examined, I am not inclined to enlarge the petitioner on bail and accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within four months from the date of receipt of this order.

The Superintendent of Police, Aurangabad is directed to ensure the attendance of all the remaining witnesses of Sessions Trial No.137 of 2017/01 of 2018, corresponding to Salaiya P.S. Case No.28 of 2016 in the trial court so that the trial must be concluded within four months.

If the Superintendent of Police, Aurangabad fails to produce the non-examined witnesses in the trial court, the trial



court shall report the matter to this Court about non-production of the prosecution witnesses.

Let a copy of this order be sent to the trial court and the Superintendent of Police, Aurangabad for information and compliance.

(Prabhat Kumar Jha, J)

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