

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49969 of 2018

Arising Out of PS. Case No.-39 Year-2017 Thana- JANDAHA District- Vaishali

=====

Ajay Kumar S/o Dhatal Singh @ Jugeshwar Singh, R/o Vill.- Panapur
Bateshwar Nath, P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Bisheshwar Ram

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 01-05-2019 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

Petitioner had earlier moved for bail which was
rejected by order dated 19.02.2018 passed in Cr. Misc. No. 3870
of 2018.

Petitioner is languishing in judicial custody since
07.04.2017 in connection with Sessions Trial No. 135 of 2018
arising out of Jandaha P.S. Case No. 39 of 2017, for offences
punishable under Sections 341, 323, 324, 307, 302, 34 of the
Indian Penal Code.

The prosecution case as lodged by the informant is
that one Ghatal Singh came in search of the son of the informant
Nishant Kumar. Thereafter, when the informant and his son
went to the floor mill, seven persons along with the petitioner



surrounded him and the petitioner gave blow on the abdomen of the informant's son, Nishant kumar (deceased) who died during course of treatment. There was some dispute with regard to the petitioner and the deceased son of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and charge has been framed on 13.04.2018 but as yet no witness has been examined and the petitioner is languishing in judicial custody since more than two years.

However, learned APP for the State opposes the prayer for bail stating therein that the informant is an eye-witness to the alleged occurrence.

In this regard a report was called for from the court of the learned Additional District & Sessions Judge-IIIrd, Vaishali at Hajipur wherein the report has been received by Letter No. 44 of 2019 dated 20.02.2019 stating therein that trial could be disposed of within a period of twelve months, if the prosecution brings all the evidences.

Considering the nature of allegations and the status report of the present trial, I am not inclined to grant privilege of bail to the petitioner in connection with Sessions Trial No. 135 of 2018 arising out of Jandaha P.S. Case No. 39 of 2017,



pending in the Court of the learned IIIrd Additional District and Sessions Judge, Vaishali at Hajipur. However, petitioner is at liberty to renew his prayer for bail after twelve months, if trial is not concluded by that time.

(Nilu Agrawal, J)

devendra/priyanka

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

