IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40893 of 2019

Arising Out of PS. Case No.-9 Year-2017 Thana- AMBA District- Aurangabad

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Krishna Prajapati, Son of Chanarik Prajapati Resident of Village- Narhar Amba Tola Kumhar Bigha, P.S.- Amba, District- Aurangabad (Bihar).

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sunil Kumar Dubey
For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 21-08-2019 Heard the learned counsel for the parties.

The prayer for bail of the petitioner was earlier twice rejected *vide* orders dated 05.01.2018 and 28.11.2018 passed in Cr. Misc. No. 52341 of 2017 and 50063 of 2018 respectively.

Petitioner is said to have been given one *lathi* blow on the head of the deceased. However, other persons are also alleged to have assaulted the deceased, but curiously, the deceased has not suffered any injury on his person except one on the head, which proved to be fatal and which has been attributed to the petitioner.

Learned counsel for the petitioner, therefore,

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submits that in any view of the matter, the veracity of the entire prosecution case stands doubted and it cannot be believed in that event that the petitioner is the author of the fatal injury.

Apart from this, it has been urged that the petitioner also was brutally assaulted and has suffered serious injuries on his person. This Court has also been informed that the petitioner was arrested from the hospital while he was undergoing treatment for the injury suffered by him in the same transaction.

Apart from this, what has been canvased strongly is that he is in jail since 23.01.2017, but the trial has not yet been concluded.

On the last occasion, this Court had asked for a report about the stage of the case from the court below, which report has since been received and has been kept at flag-R. Out of 9 cited witnesses, only 5 witnesses have been examined till date and 4 witnesses are yet to be examined.

Considering the period of custody of the petitioner and the tardy progress of the trial, this Court is constrained

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to observe that in case the trial is not concluded within four months from the date of receipt / production of a copy of this order, the petitioner shall be at liberty to approach this Court for grant of bail.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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