

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60862 of 2018

Arising Out of PS. Case No.-126 Year-2012 Thana- Narpatganj District- Araria

Md. Dilsad, Son of Late Aziz, resident of village- Bairiya, P.S.- Narpatganj,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh
For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 02-01-2019 Heard both sides.

The petitioner seeks bail in Sessions Trial No.227 of 2015 arising out of Narpatganj P.S. Case No.126 of 2012 registered under Section 302, 307 and other Sections of the I.P.C. and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that prayer for bail of the petitioner was earlier thrice rejected by this Court on 30.03.2015, 27.04.2016 and 20.09.2017. The trial court was directed to conclude the trial within two years but the trial has not yet been concluded. It is submitted that there is a counter version and petitioner is in jail for more than five years but it appears that there is very specific allegation against the petitioner that it was he who fired on the head of the sister-in-law of the informant and the sister-in-law of the informant died



on the spot. From perusal of the order of the learned Additional Sessions Judge II, Araria, it appears that out of 12 prosecution witnesses, 8 prosecution witnesses have been examined. Only informant, doctors and investigating officers are to be examined.

Taking into consideration the nature of allegation that it was petitioner who fired on the head of the sister-in-law of the informant and sister-in-law of the informant died on the spot, 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 same within six months.

S.P., Araria is directed to ensure the attendance of non-examined prosecution witnesses of Sessions Trial No.227 of 2015, arising out of Narpatganj P.S. Case No.126 of 2012 in the trial court so that the trial must be concluded within six months.

Let a copy of this order be sent to the trial court as well as S.P., Araria for information and needful.

(Prabhat Kumar Jha, J)

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