

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51699 of 2019

Arising Out of PS. Case No.-465 Year-2017 Thana- SUPAUL District- Supaul

1. SHIV CHANDRA JHA Son of Late Mahavir Jha Resident of Village-Ekma, P.S.-Supaul, District-Supaul.
2. Ajit Kumar Jha @ Ajit Kumar Son of Shri Shivchandra Jha Resident of Village-Ekma, P.S.-Supaul, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 26-11-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This petition is by way of second attempt for grant of regular bail to the petitioners in connection with S.T. No. 132 of 2018 arising out of Supaul P.S. Case No. 465 of 2017 registered for the offence punishable under Sections 341, 323, 325, 307, 302, 504 and 34 of the Indian Penal Code inasmuch as the earlier petition filed by the petitioners for grant of regular bail was rejected by a coordinate Bench of this Court vide order dated 09.05.2018 passed in Criminal Misc. No. 14573 of 2018.

The allegation in brief is that on account of family dispute, petitioners and other accused persons are said to have



assaulted the husband of the informant resulting in his death at the Patna Medical College & Hospital, Patna during the course of treatment.

The learned counsel for the petitioners has submitted that this Court had, vide the aforesaid order dated 09.05.2018, directed the learned trial court to expedite the trial and conclude the same preferably within a year and in case the trial is not concluded, the petitioners were granted liberty to renew their prayer for bail, hence the petitioners have approached this Court for grant of regular bail inasmuch as the trial is yet to be concluded.

I have heard the learned counsel for the parties and perused the materials on record and I find that firstly there is no change in circumstance so as to warrant re-consideration of the prayer for regular bail of the petitioners herein especially in view of the heinous crime committed by them i.e. having assaulted the husband of the informant resulting in his death.

Secondly, this Court had called for a report from the learned trial court regarding the present stage of the connected trial whereupon the learned court of District & Sessions Judge, Supaul vide letter dated 03rd October, 2019 has informed this Court that the prosecution evidence has been completed and the



case is pending for defence evidence as also the likely time to be consumed for conclusion of the trial is about three months.

Having regard to the facts and circumstances of the present case as also considering the fact that trial is on the verge of conclusion and it is the defence which has to adduce evidence and expedite the matter, I do not find any merit in the present case. Accordingly, the same is dismissed.

(Mohit Kumar Shah, J)

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