

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63835 of 2019

Arising Out of PS. Case No.-48 Year-2017 Thana- JALALGARH District- Purnia

UPENDRA RISHI Son of Late Arjun Rishi Resident of Village - Jalalgarh
Dansar, P.S.- Jalalgarh, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bibhuti Narayan

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-03-2020

Heard both sides.

The petitioner seeks bail in Sessions Trial No. 343/2017, arising out of Jalalgarh P.S. case No. 48/2017, registered under Section 326, 307, 302 and some other Sections of the Indian Penal Code.

The informant alleged that while she was sitting along with her family members Upendra Rishi, the petitioner, Bhagwan Rishi, Mithun Rishi, Ravindra Rishi, Mithilesh Rishi, Sharmila Devi, Indal Rishi, Pinku Rishi, Poonam Devi, Mamta Devi, Dika Devi, Santosh Rishi, Sangita Devi, Lalita Devi, Sita Devi, Puran Rishi and Rajendra Rishi having armed with bow, arrow, spear and sword came on her Darwaja and began to abuse. Upendra Rishi assaulted her husband with arrow which hit in his abdomen and her husband got serious and grievous injury and during the course of treatment he died.

The learned counsel for the petitioner submits that, of course, there is specific allegation against the petitioner that it was he who assaulted the deceased with arrow in his abdomen



but the petitioner is in custody since 05.06.2017. The petitioner has already remained in jail for more than two and half years.

It appears that there is specific allegation against the petitioner that it was he who assaulted the husband of informant with arrow causing his death.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail at this stage as the trial court has reported that the trial is in progress. Accordingly, the prayer for bail is rejected.

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

The Superintendent of Police, Purnea is directed to ensure the attendance of prosecution witness during the course of trial so that trial must be concluded within nine months.

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

If the trial is not concluded within nine months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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