

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18827 of 2020

Arising Out of PS. Case No.-260 Year-2017 Thana- GOPALGANJ TOWN District-
Gopalganj

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Sahjad Alam @ Shahjad Alam, Aged about 22 years, Gender-Male, Son of Naem Mian, Resident of Village- Bhitbherwan, P.S.- Gopalganj Town, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-03-2021 Heard both sides.

The petitioner seeks bail in Gopalganj Town P.S. Case No.260 of 2017, corresponding to S.T. No.521 of 2018, registered under Sections 302 and 34 of the Indian Penal Code.

Mr. Prashant Kumar, the learned counsel for the petitioner submits that the prayer for bail of the petitioner, Sahjad Alam and Naem Mian was earlier rejected vide order dated 28.06.2018, passed in Cr. Misc. No.29184 of 2018, but Naem Mian has already been granted bail vide order dated 04.03.2020, passed in Cr. Misc. No.87257 of 2019 by a coordinate Bench of this Court. It is submitted that the petitioner an Naem Mian are alleged to have assaulted the deceased with back of spade on his chest and head, but no corresponding



injury was found and the postmortem report does not support the allegations made in the FIR. The viscera was preserved. The cause of death could not be ascertained, but it appears from perusal of the record and the report with regard to stage of trial that the prosecution has already examined all the witnesses. Now the trial is pending for evidence of the defence since 13.03.2020. Now the COVID period is over.

Taking into consideration the fact aforesaid that the trial is at the fag end and the same is pending for evidence of the defence, I am not incline to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to conclude the trial within three months from the date of receipt of this order after holding the trial and hearing arguments on day to day basis.

If the trial is not concluded within three months, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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