

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35194 of 2020

Arising Out of PS. Case No.-23 Year-2017 Thana- RUPASPUR District- Patna

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CHATRO GULGULIYA @ T.T. Sri Dwarik Gulguliya Resident of Village-
Jag Jivan Nagar, beneath the chitkohra pul, P.S.-Gardanibagh, District-Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha
For the Opposite Party/s : Mr. Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 302/34 and 201 of the Indian
Penal Code.

Allegation as per the FIR is that petitioner called
the deceased on phone and thereafter deceased was killed and
petitioner is named in the F.I.R.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He is quite
innocent and has been falsely implicated in this case. No
incriminating article has been recovered from his conscious
physical possession. The allegation levelled against the
petitioner is not specific rather general and omnibus in nature.



There is nothing in the record indicating the complicity of the petitioner in the occurrence. The petitioner has been languishing in custody since 27.01.2017.

This is the fourth attempt of the petitioner to seek bail in this case. On earlier three occasions, a co-ordinate Bench of this Court has rejected the prayer of the petitioner.

Vide order dated 23.12.2020, this Court has called for a report from the learned Court below regarding the stage of the trial. In compliance thereof, the learned Court below vide its letter no.23 dated 19.01.2021, which is annexed as flag 'R' to this application, has informed that the case is running for prosecution evidence and out of six charge-sheeted witnesses, four has already been examined till date. Postmortem report has been called for, the doctor and two private witnesses are yet to be examined.

In the facts and circumstances of the case, the prayer for bail of the petitioner is hereby rejected.

However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within a period of three months. Both the parties are directed to extend their cooperation in early conclusion of the trial.

If the trial is not concluded within three months, the



learned Court below is directed to release the petitioner on bail
on its own satisfaction.

With the aforesaid observation and direction, this
application stands disposed of.

(Anjani Kumar Sharan, J)

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