

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37679 of 2020

Arising Out of PS. Case No.-217 Year-2014 Thana- GARKHA District- Saran

CHANDAN KUMAR @ CHANDAN KUMAR SAH Son of Satrugan Sah
R/o Village - Hakma, P.S.- Garkha, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-03-2021

Heard both sides.

The petitioner seeks bail in Sessions Trial No.576 of 2015 arising out of Garkha P.S. Case No.217 of 2014 registered under Sections 304B and 34 of the Indian Penal Code but it appears that petitioner has wrongly stated in para 1 of the petition with regard to the alleged offence committed by the petitioner under Section 392 of the Indian Penal Code instead of Section 304B of the Indian Penal Code. Therefore, learned counsel for the petitioner is permitted to correct the same.

The petitioner was convicted under Section 304B of the Indian Penal Code vide judgment and order of sentence dated 13.04.2018 but a Bench of this Court remanded the matter for re-trial.

The learned counsel for the petitioner submits that petitioner is in jail since 01.02.2015. More than six years has elapsed but the trial has not yet been concluded. A report has been called for but the report of the 3rd Additional Sessions Judge shows that only four prosecution witnesses have been



examined till date.

Taking into consideration the facts aforesaid, 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 four months from the date of receipt of this order.

S.P., Saran is directed to ensure the attendance of the prosecution witnesses so that the trial must be concluded within four months from the date of receipt of this order.

If the trial is not concluded within four months due to failure of the police to produce the witnesses, the learned court below shall enlarge the petitioner on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to his own satisfaction with communication to this Court.

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

(Prabhat Kumar Jha, J)

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