

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34537 of 2020

Arising Out of PS. Case No.-263 Year-2019 Thana- BAKHTIARPUR District- Saharsa

Md. Shawaz, Son of Late Md. Mojeem Resident of Village-Hussain Chowk,
Police Station-Bakhtiyarpur, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 07-04-2021 Heard Mr. Uday Chand Prasad, learned counsel

for the petitioner and Mr. Md. Aslam Ansari, learned APP

for the State.

The petitioner seeks bail in connection with

Simri Bakhtiyarpur P. S. Case No. 263 of 2019, dated

05.07.2019, instituted for offences under Sections 147,

149 and 302 of the Indian Penal Code.

According to the allegation, the petitioner is

said to have assaulted his father-in-law who is the

informant of this case. When the brother of his father-

in-law came for his rescue, he too was assaulted, leading

to his death.



The learned counsel for the petitioner has submitted that there was no enmity with the deceased and only in course of scuffle, the brother of the informant received injuries which proved fatal.

Apart from this, it has been submitted that the petitioner is in custody since 14.10.2019 and there is no substantial progress in this case before the court below.

This Court had called for a report from the court below about the stage of the case on 17.02.2021. The report which has been received indicates that the case is pending for hearing for discharge.

Considering the nature of accusation against the petitioner, I am not inclined to grant bail to him for the present.

The prayer for bail is rejected.

However, looking at the custody of the petitioner, this Court directs that the trial of the petitioner be expedited and concluded positively within a period of nine months from the date of



production/receipt of a copy of this order. If there is no substantial progress in the case within the aforesaid period, it would be open for the petitioner to approach the court below for grant of bail and in that event, the court below shall be under an obligation to record the reasons for the tardy progress of the trial.

(Ashutosh Kumar, J)

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