

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44407 of 2021

Arising Out of PS. Case No.-293 Year-2018 Thana- MAJHAULIA District- West Champaran

JAJUL GADDI S/o LATE KABIR GADDI R/o VILLAGE-BATHANA, P.S-
MAJHAULIA, DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Adv.
For the State	:	Mr.Shakir Ahmad, APP
for the Informant	:	Mr. Anant Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 18-05-2022 This is second bail application of the applicant in Sessions Trial No. 127/ 2020 arising out of Crime No. 293/2018 registered with Majhauria Police Station for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 448, 504 of the Indian Penal Code.

The learned counsel for the applicant argued that there was only stitch wound on head of dead body of Ogair Gadi and according to the prosecution case, three persons assaulted the deceased. Therefore there is nothing on the record to show that the blow allegedly given by the applicant had proved fatal. The stitches on the dead body indicates surgical operation. As yet only three witnesses are examined and therefore the applicant is entitled for bail.



The learned Additional Public Prosecutor opposed the application. He was assisted by the learned counsel for the first informant.

I have considered the submissions so advance. Earlier bail application moved by the applicant was rejected by the Co-ordinate Bench of this Court considering the material place on record and entering into merits of the matter again would amount to review of the earlier order which is not permissible.

The trial has commenced and three witnesses are already examined by the prosecution. The Co-ordinate Bench of this Court had directed the learned trial court to dispose of the trial preferably within nine months from today. After examination of three witnesses, the trial is part heard and as such, as per the mandate of Section 309 of the Cr.P.C., it is to be taken for hearing on day to day basis. The learned trial court to comply the provisions of Section 309 of the Cr.P.C. while conducting the trial.

With this observation, the application is rejected.

(A. M. Badar, J)

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