

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57378 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- SUGAULI District- East Champaran

SHEIKH MUBARAK S/o Shekh Korai R/V- Chhapwa, P.S.- Sugauli, Distt-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Ms. Gulnar Begum, APP
For the informant	:	Mr. Binay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-01-2023 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of bail in a case registered under sections 307, 341, 323, 324, 504 and 506 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the accused persons including the three petitioners herein are said to have come variously armed with *farsa*, *iron rod*, *lathi* etc. and of having assaulted the informant as also his father, brother and others leading to the death of his brother.

The earlier application for bail of the petitioner was rejected vide order dated 21.3.2022 passed in Cr. Misc. no.48882 of 2021. In spite of the petitioner being in custody



since 9.3.2021, there is no chance of the trial concluding in the near future.

The application of bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

It is submitted by learned counsel for the informant that the evidence on behalf of the prosecution has concluded and the trial is near its end.

A report was called for from the learned trial Court. As per the report received contained in letter dated 29.11.2022 of the Exclusive Special Excise Judge No.1, East Champaran, Motihari it transpires that all the prosecution witnesses including the official witness have been examined and the statement of the accused has been recorded under section 313 of the Cr.P.C.

In view of the nature of allegation against the petitioner together with the progress in the trial in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to conclude the trial at the earliest.

Bibhash/-

U			
---	--	--	--

Partha Sarthy, J)

