

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68466 of 2022

Arising Out of PS. Case No.-274 Year-2021 Thana- MADHEPURA District- Madhepura

SHIVA MALLICK Son of Upendra Mallik Resident of Village- Near Rash
Bihari School, P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-01-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is in judicial custody in connection
with S. Tr. No. 32 of 2022 arising out of Madhepura P.S. Case
No. 274 of 2021 for the offences under Sections 302/34 of the
Indian Penal Code.

As per the prosecution story, the allegation
amongst other the petitioner is that he pierced wine bottle into
the neck of the deceased.

Taking into account the aforesaid facts, earlier his
bail application was rejected on 16.5.2022 in Cr. Misc. No.
51508 of 2021.

In the present bail application on 7.12.2022, the
learned trial Court was asked to submit a report with regard to



the stage of the trial.

The report has since been received vide letter no. 87 dated 15.12.2022. According to it, out of 13 prosecution witnesses, seven witnesses have already been examined and summons have been issued to the Doctor and the Investigating Officer fixing next date of hearing on 5.1.2023.

Taking into account the aforesaid facts that the trial is at advance stage and there is specific allegation against the petitioner, for the present this Court is not inclined to grant him the privilege of bail which is accordingly rejected.

Since seven prosecution witnesses have already been examined, the trial court is directed to ensure examination of other witnesses without unnecessary delay and the matter is taken to its logical conclusion within a period of four months.

(Rajiv Roy, J)

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