

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3122 of 2024

Arising Out of PS. Case No.-193 Year-2018 Thana- PUNPUN District- Patna

Mumtaj @ Mumtaj Ansari @ Teni Mian, son of Mannu Mian @ Munna Mian @Mushu, R/o village-Shahhid Nagar, P.S.-Dhanarua, District-Patna, present address-resident of Dumri, P.S.-Punpun, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the third attempt of the petitioner to obtain bail in connection with S.Tr. No.732 of 2018 arising out of Punpun P.S. Case No.193 of 2018 registered for the offences punishable under Sections 302/120(B)/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the trial of the case is though going on but out of eight prosecution witnesses only four have been examined so far. The deposition of the prosecution witnesses have been brought on record and submission has been made that even as the prosecution witnesses have stated that the deceased had gone with the petitioner, both were living in the same house and after the

deceased went with the petitioner he did not return and his dead body was found in the morning, the fact remains that these witnesses have also stated that the deceased and the petitioner were maintaining good relationship. Learned counsel submits that considering that the witnesses have stated about good relationship of the petitioner with the deceased, the prosecution case seems to be based on mere suspicion.

4. On the other hand, learned APP for the State submits that all the prosecution witnesses have stated consistently that the deceased had gone with the petitioner and thereafter his dead body was found in the morning. It is further pointed out that this petitioner has got two criminal antecedents of serious and heinous nature which would be evident from paragraph '3' of the application and that the learned trial court has recorded in the impugned order that all endeavours are being made for disposal of the case at the earliest preferably within next three months.

5. Having regard to the submissions noted hereinabove and the materials on the record, on finding that the trial itself is likely to be concluded within a period of three months, this Court is not inclined to direct release of the petitioner on bail. Let the trial court expedite the trial and conclude it at the

earliest opportunity preferably within a period of three months from the date of receipt of the production of a copy of this order. The Superintendent of Police, Patna and the concerned officer incharge with whom the summons or the warrants against the witnesses are pending shall ensure execution of the warrants and production of the witnesses on the dates fixed in the matter.

6. This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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