

Patna High Court - Orders

Md. Jani vs The State Of Bihar on 24 August, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14942 of 2011

Md. Jani, son of Md. Shamim, resident of village Chhoti
Nagla, P.S. Malsalami, District Patna

..... Petitioner

Versus

The State Of Bihar ... Opposite Party

For the Petitioner : Mr. Manoj Kumar, Advocate

For the State : Mr. Rajendra Pd. Nath, A.P.P.

4 24.08.2011

Heard learned counsel for the petitioner and the State.

Perused the report kept at Flag 'A' and the affidavit filed on behalf of the Sr. S.P. Patna.

Petitioner seeks bail in a case registered for offences punishable under Sections 302 and 328 of the Indian Penal Code.

Petitioner's prayer has been rejected earlier on twice vide Annexure 2 series.

It is submitted that the deposition of the mother of the deceased before the trial court shows contradiction from her stand taken before the police and the charges have been framed on 11.5.2010 itself but only three witnesses have been examined till date, though they are the family members of the deceased. In the counter affidavit filed on behalf of the Sr. Superintendent of Police, Patna, it has been categorically stated that the rest witnesses would be examined within six months.

In view of the gravity of the allegation made in the first information report and the materials collected in course of investigation including viscera report which shows presence of celphos in the sample concerned, I am not inclined to grant bail to the petitioner.

Accordingly, this application is dismissed. On the earlier occasion the trial court was directed to dispose of the trial within nine months and Sr. Superintendent of Police, Patna was also required to take every step for ensuring the presence of the prosecution witnesses on the date fixed by the trial court, even then, however, no official witnesses have been examined. However, in view of the categorical statement taken in paragraph no. 9 of the counter affidavit, it is expected from the Sr. S.P., Patna to ensure that the rest prosecution witnesses are produced on the date fixed by the trial court as per his undertaking. It is also expected from the trial court to take every step for expeditious disposal of the trial court preferably within seven months from the date of receipt/production of a copy of this order.

If the trial is not concluded within the aforesaid period then, if so advised, the petitioner would be at liberty to renew his prayer for bail.

Let a copy of this order be handed over to the learned counsel appearing for the State for communication and compliance.

Spd/-

(Dr. Ravi Ranjan, J.)