

(2017) 05 JH CK 0025
In the Jharkhand High Court
Case No : 105 of 2017

Dablu Mian @ Akhtar @ Dablu Mia

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 17-05-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 302](#) -
Punishment for murder

Citation : (2017) 05 JH CK 0025

Hon'ble Judges : Amitav K. Gupta

Bench : SINGLE BENCH

Advocate : Abhay Kr. Chaturvedy

Judgement

1. Heard learned counsel appearing for the petitioner and learned A.P.P., appearing for the State.

2. Petitioner is accused in connection with S.T. No.31 of 2014 arising out of Basia P.S. Case No. 79 of 2013 corresponding to G.R. Case No.1158 of 2013 for the offence registered under Section 302 of the Indian Penal Code, pending in the court of learned Additional Sessions Judge-VI, Gumla.

3. Learned counsel has submitted that earlier the prayer for bail of the petitioner was rejected on 10.08.2016 in B.A. No.2212 of 2016 and liberty was given to the petitioner to renew the prayer for bail if the trial is not concluded within three months. It is submitted that the deposition of witnesses examined, as enclosed in the supplementary affidavit, will show that PW-2 has made contradictory statement and there is no explanation as to why he did not disclose the incident to the police. That PWs 5 and 6 are highly interested and their statement that the deceased had named the petitioner as the assailant is not believable because other witnesses have deposed that the deceased was lying in an unconscious state.

4. Learned A.P.P. has opposed the prayer for bail and submitted that PWs-5 and

6 have deposed that the deceased had disclosed that the petitioner had registered blows with tangi and stone and the post mortem report corroborates the same. PW-3 has also named this petitioner.

5. Heard. The argument of learned counsel for the petitioner regarding the deposition of witnesses is a matter which can be appreciated at the time of hearing of the case by the court below. It transpires from the status report that two witnesses are yet to be examined and the trial is likely to be concluded within three months. Considering that the trial is at concluding stage, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail stands rejected.

6. However, the trial court is directed to expedite the trial and conclude it within three months from the date of receipt of this order.

7. The petitioner is at liberty to renew the prayer for bail after three months.

8. Let this order be communicated forthwith to the court below.