

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.41011 of 2010

**Rajjak @ Md.Razzaque @ Khun Khunia, Son of Ajimuddin,
resident of Village-Saharia, P.S. Routa, District-Purnea**
----- **Petitioner**

Versus
STATE OF BIHAR

02 22-12-2010

Heard Sri Bijendra Kumar Singh, learned counsel for the petitioner and Smt. Indu Bala Pandey, learned Addl.Public Prosecutor for the State.

The petitioner, who is in custody since 6.10.2007 in connection with Sessions Trial No.838 of 2007 (arising out of Routa P.S. Case No.07 of 2003) for the offences under Section 302 and other allied Sections of the Indian Penal Code, has prayed for grant of bail.

Learned counsel for the petitioner submits that against the petitioner there is general and omnibus allegation and one of the co-accused, namely, Abdul Haque has already been extended the privilege of bail on 15.7.2004 vide Cr.Misc.No.10185 of 2004. Accordingly, it has been prayed to grant bail to the petitioner.

Learned Addl. Public Prosecutor appearing on behalf of the State has opposed the prayer for bail of the petitioner. It was submitted that in this case, almost evidence is complete and, as such, it would not be appropriate to grant bail to this petitioner at this stage. In the present case, F.I.R. was lodged in the year 2003 and one of the co-accused was granted bail in the year 2004. However, the petitioner surrendered in this case on

6.10.2007. Accordingly, the petitioner cannot get benefit for grant of bail being granted to co-accuse Abdul Haque. Moreover, in the present case, trial is on the verge of its conclusion. Only two witnesses, as submitted by learned counsel for the petitioner, i.e. the doctor and the Investigating Officer are required to be examined.

Since the evidence is going to be concluded, it would not be appropriate to extend the privilege of bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to take all steps for examining the doctor and the Investigating Officer of the case. Steps should be taken to conclude the evidence within a period of four months from the date of receipt /production of a copy of this order. The concerned Superintendent of Police is directed to ensure attendance of the Investigating Officer on the dates fixed by the trial court.

With the above observation and direction, the petition stands rejected.

NKS/-

(**Rakesh Kumar, J.**)

