

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12714 of 2015

Arising Out of PS.Case No. -154 Year- 2009 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

Mohan Sah @ Mohan Lal Sah S/o Ram Ekbal Sah R/o village- Laukaha,
P.S. Chakia, District- East Champaran, Motihari.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

with

Criminal Miscellaneous No.17409 of 2015

Arising Out of PS.Case No. -154 Year- 2009 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

Mohan Sah Son of Bhagirath R/o Village - Laukaha, P.S. Chakiya, District
- East Champaran.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

(In Cr.Misc. No.12714 of 2015)

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Anil Kr.Singh 1, APP

(In Cr.Misc. No.17409 of 2015)

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Ajay Kr. Jha, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-05-2015 Since both the aforesaid bail applications arise out of
a common police station case, they have been heard together and
are being disposed of by this common order.

Heard the parties.

The petitioners of both the applications seek bail in a
criminal prosecution originally registered under Sections 364 and
120B/34 of the Indian Penal Code in which subsequently offences
under Sections 302, 201 and 216 of the Indian Penal Code were

added.

Learned counsel appearing on behalf of the petitioners submits that though the petitioners are also named as accused in the first information report vide Annexure-1, but other named accused persons having similar allegations, have already been granted bail by different Benches of this Court vide orders contained in Annexures 2 and 3. Therefore, according to them, the petitioners are entitled to be released on bail.

Learned APP appearing on behalf of the State has opposed the prayer for bail on the ground that the instant criminal case was lodged way back in the year 2009 and both the petitioners remained absconding since then and they could be put behind bars recently after great efforts by the police.

It is true that three named accused persons have been granted bail either in the year 2010 or 2011 but the petitioners neither surrendered nor could be apprehended earlier. Therefore, their case is still pending before the learned Magistrate and trial could not proceed. In above view of the matter, this Court is not inclined to accede to the prayer for bail made on behalf of the petitioners. Accordingly, their prayer for bail in connection with Chakia P.S. Case No. 154 of 2009 pending in the court of Chief Judicial Magistrate/Judicial Magistrate, Ist Class, East Champaran, Motihari is rejected for the present.

Learned Magistrate, who is in seisin of the criminal case, is directed to commit the case of the petitioners to the court of sessions forthwith, if not already committed. After such commitment, the trial of the petitioners shall be taken up on priority basis and charges shall be framed against the accused persons without any unnecessary delay and thereafter all

endeavours shall be made to conclude the trial of the petitioners at an early date preferably within a period of one year from the date of framing of charge. However, if the trial of the petitioners is not concluded within the aforesaid period of one year, then they shall be at liberty to renew their prayer for bail.

(Birendra Prasad Verma, J)

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