

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5969 of 2015

Arising Out of PS.Case No. -257 Year- 2013 Thana -BARHARA District- PURNIA

1. Rajendra Mandal, S/o Late Achhey Lal Mandal, Resident of vill-Thari,
P.S-Barhara,Distt-Purnea

2. Manoj Mandal S/o Bhutto Mandal, Resident of vill-Thari, P.S-Barhara,
Distt-Purnea

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Advocate

Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 22-04-2015

This application under Sections 439 and 440 of the Code of Criminal Procedure has been filed for grant of bail to the petitioners in Sessions Trial No. 1189 of 2014 arising out of Barhara P.S. Case No. 257 of 2013 registered for the offence punishable under Section 302 read with 34 of the Indian Penal Code.

By a reasoned order the prayer for bail of the petitioners was rejected earlier by this Court on 21.07.2014.

The contention of the learned counsel for the petitioners is that other co-accused, namely, Manoj Tiwari and Ajay Yadav having more or less identical allegation against them have already been granted bail by a Bench of this Court vide orders dated 16.6.2014 and 9.6.2014 passed in Cr. Misc. No. 19634 of 2014 and 20885 of 2014 respectively. The further

contention is that the petitioners are in custody for about one year and three months but there is no progress in the trial.

A report from the learned Additional Sessions Judge-3rd, Purnea was called for by this Court vide order dated 11.3.2015 regarding status of the Sessions Trial No. 1189 of 2014 arising out of Barhara P.S. Case No. 257 of 2013 pursuant to which the report of the learned Additional Sessions Judge, has already been received. It would reflect that charges have already been framed and summons against the witnesses named in the charge sheet have also been issued by the court below on 15th January, 2015.

Regard being had to the reasons assigned in my earlier order dated 21.7.2014 passed in Cr. Misc. Nos. 19498 of 2014, 27468 of 2014 and 27637 of 2014, I am not inclined to grant bail to the petitioners for the present. Accordingly, their prayer for bail is rejected.

The learned Additional Sessions Judge-III, Purnea is directed to conclude the trial as early as possible, preferably within a period of one year from the date of receipt/production of a copy of the order failing which the petitioners would be at liberty to renew their prayer for bail before the court below. In that eventuality, the court below shall assign the reason for delay caused in concluding the trial while disposing of the application for bail.

(Ashwani Kumar Singh, J.)

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