

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19695 of 2015

Arising Out of PS.Case No. -95 Year- 2012 Thana -POTHIYA District- KISANGANJ

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Anwarul @ Checharu @ Chacharu son of Late Lal Mian, resident of village- Kasba Dhan Toli, Police Station- Islampur, District- Utter Dinajpur (West Bengal).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Hussain

For the Opposite Party/s : Mr. Manish Kumar 2,APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 25-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Section 302/201 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits that though two persons are said to have been killed in the crime in question, but the petitioner is not named in the F.I.R. vide Annexure-1 as an accused. However, on close of investigation, charge sheet was submitted under Sections 396 and 412 of the Indian Penal Code, but the petitioner has not been put on T.I. Parade till date and no incriminating article has been recovered either from his house or from his possession.

Learned Additional Public Prosecutor appearing on behalf of the State has opposed the prayer for bail and has submitted that the petitioner is accused in two more criminal cases apart from the present one, out of which one case is relating to robbery.

Taking into consideration the fact that the petitioner is a man of criminal antecedent and he is accused in two other criminal

cases, excepting the present one, his prayer for bail in connection with Pothia (Paharkatta) P.S. Case No. 95 of 2012 pending in the court of learned Chief Judicial Magistrate, Kishanganj , is rejected for the present.

Learned Chief Judicial Magistrate, Kishanganj in seisin of the case, is directed to commit the case of the petitioner to the court of sessions, if not already committed, and after such commitment, all endeavours should be made to take up the trial of the petitioner on priority basis. However, if the trial of the petitioner is not concluded within a period of one year from the date of framing of charge, then he shall be at liberty to renew his prayer for bail.

(Birendra Prasad Verma, J)

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