

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40706 of 2014

Arising Out of PS.Case No. -100 Year- 2012 Thana -KATRA District- MUZAFFARPUR

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Munnu Mishra @ Mahesh Mishra son of Sri Bhulan Mshra resident of
Village AND P.O.-Dhanaur, P.S. Katra, District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Nilesh Kuymar

For the Opposite Party/s : Mr. R.B. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-02-2015

Heard the parties.

The prayer for bail of the petitioner was earlier rejected by an order dated 07.10.2013 passed in Cr. Misc. No. 36102 of 2013 (Annexure-1) on the ground that he is facing criminal prosecution for the offence under Sections 302/149 and some other allied offences under the Indian Penal Code as also under Section 27 of the Arms Act for allegedly committing murder of two persons. As per the prosecution case, the petitioner is the assailant of deceased Ranjan Kumar Singh by sword on his head.

The petitioner has renewed his prayer for bail on the ground of delay in disposal of trial. By order dated 14.01.2015, a report was called for from the learned trial court. In compliance of the aforesaid order dated 14.01.2015, a report dated 20.1.2015 has been submitted by the learned 5th Additional Sessions Judge, Muzaffarpur, which has been kept at flag-P. In the aforesaid report it has been pointed out that the trial has been delayed on account of filing of petition by the petitioner under Section 227 Cr. P.C. for his discharge. The learned trial court has also reported that the

trial shall be concluded within one year if both sides co-operate.

Taking into consideration the nature of allegation that the petitioner is the assailant of the deceased and further taking into consideration that the trial is being delayed at the behest of the petitioner for the reasons best known to him, this Court is not inclined to accede to the prayer made on behalf of the petitioner for grant of bail in connection with Sessions Trial No. 539 of 2013 arising out of Katra P.S. Case No. 100 of 2012 pending in the court of learned 5th Additional Sessions Judge, Muzaffarpur. It is, accordingly, rejected.

However, the learned trial court is directed to dispose of the petition filed on behalf of the petitioner under Section 227 Cr. P.C., if not already disposed of, at an early date preferably within a period of two weeks from the date of receipt/production of a copy of this order. Thereafter, if the prayer for discharge of the petitioner is not allowed, then he shall proceed further in accordance with law and, if need be, trial of the petitioner may be taken up on day to day basis and all endeavours should be made to conclude the trial of the petitioner at an early date preferably within a period of one year from the date of framing of the charge. However, if the trial of the petitioner is not concluded within the aforesaid period of time, without there being fault on the part of the petitioner, then he shall be at liberty to renew his prayer for bail.

(Birendra Prasad Verma, J)

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