

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43728 of 2014

Arising Out of PS.Case No. -122 Year- 2014 Thana -BUXAR District- BUXAR

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Barmeshwar Nath Seth @ Brahmeshwar Nath Seth, Son of Late Ram Bachan Singh Resident of Village- Rasen, Police Station- Rajpur, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay, Advocate.

For the Opposite Party/s: Mr. Binod Kumar No. 2(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 04-02-2015 Having heard learned counsel for the parties and also perused the case diary as with regard to the prayer of the petitioner in connection with an offence under Sections 302 and 394 of the Indian Penal Code and under Section 27 of the Arms Act, this Court is not inclined to grant bail to the petitioner because not only he has been found to be involved through recovery made of stolen articles from his conscious possession but also on account of identification of those stolen articles by the informant and his mother. The only defence of the petitioner that those stolen articles were planted by one Vijay Verma, being a plea alibi and also not corroborated before the Police in the statement recorded in the case diary, would not inspire confidence for the present.

Thus the prayer for bail of the petitioner is rejected.

The petitioner however is in custody since 29.06.2014 and has no criminal antecedent and, therefore, he may renew his prayer for bail after completion of one and half years of his judicial custody if the trial of the petitioner is not concluded in the aforesaid period. Happen it be so, that the trial of the petitioner is not concluded within a period of one and half years of his judicial custody the petitioner will be at liberty to move initially the trial court and the trial court will have to record reasons for not concluding the trial within the time frame as fixed by this Court and only thereafter the petitioner may move this Court for renewing his prayer for bail.

Let a copy of this order be sent to trial court to ensure that the trial of the petitioner is concluded within a period of one and half years of his judicial custody i.e. on or before 29.12.2015.

(Mihir Kumar Jha, J)

Sujit/-

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