

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 2146 of 2015

Arising Out of PS.Case No. -5 Year- 2005 Thana –NIMCHAK BATHANI District- GAYA

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1. Ajay Kumar @ Ajay Yadav, Son of Sri Mahendra Yadav, Resident of
Village - Sirsiya, Pachay, Police Station - Neemchak Bathani in the
District of Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Prem Kr. Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-01-2015

Heard both sides.

The petitioner Ajay Kumar @ Ajay Yadav seeks regular bail in Neemchak Bathani P.S. Case No. 05 of 2005, registered for the offences punishable under Section 302 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act.

There is very specific allegation against the petitioner that he fired which hit the father of the informant and he died on the spot.

Sri Akhileshwar Prasad Sinha, the learned Senior Counsel for the petitioner submitted that the First Information Report was lodged after two days of the occurrence. During the course of trial of Sessions Trial No. 33 of 2014/554 of 2007/62 of 2007 and 69 of 2011 four witnesses have been examined. The

witnesses did not support the prosecution case and the petitioner is not facing trial. It appears from the record that the occurrence is of the year 2005 and petitioner was absconding for last nine years. Petitioner was apprehended only in the month of October, 2014 since then he is in jail.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected. The case of the petitioner is still not committed to the Court of Sessions. The learned Judicial Magistrate in *seisin* of the case is directed to commit the case forthwith and on commitment, the learned trial court shall make all efforts for conclusion of the trial within one year from the date of production of this order. If the trial is not concluded within one year from the date of framing of charge, the petitioner may renew his prayer for bail firstly before the trial court.

Let a copy of this order be sent to the Court of learned Chief Judicial Magistrate, Gaya through FAX at the cost of the petitioner.

(Prabhat Kumar Jha, J.)

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