

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43110 of 2015

Arising Out of PS.Case No. -213 Year- 2013 Thana -AJAMNAGAR District- KATIHAR

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1. Safdar @ Md. Safdar Alam, son of Kd. Shamsul Joha, resident of village-
Milik Tola, Police Station- Baisi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Nagendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 16-09-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with
Azamnagar P.S.Case No. 213 of 2013 registered for the offences
punishable under Sections 392 and 120-B of the Indian Penal
Code.

The prayer for bail of the petitioner was earlier
rejected by this Court on 18th July, 2014 on merits.

Though the FIR was instituted under sections 392
and 120-B of the Indian Penal Code, it is submitted that the charge
sheet has been filed under Section 395 of the Indian Penal Code.
The case has already been committed to the court of Sessions and
charges have also been framed.

Learned counsel for the petitioner further submits that the petitioner has remained in custody for about two years and there is no likelihood of conclusion of the trial in near future.

Be that as it may, regard being had to the fact that immediately after the robbery was committed on the point of pistol the petitioner was apprehended by the police on chase, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected.

In case the trial is not concluded within one year from the date of receipt/production of a copy of the order, the petitioner would be at liberty to renew his prayer for bail before the trial court itself. In such eventuality, while passing the order the trial court would be obliged to disclose the reason as to why the trial could not be concluded within the stipulated period.

(Ashwani Kumar Singh, J)

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