

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17698 of 2015

Arising Out of PS.Case No. -280 Year- 2014 Thana -KOTWALI District- PATNA

Mukesh Kumar Tanti, S/o Late Mohan Tanti, Mohalla- Dilawarpur Bara,
P.S.- Kotwali, District- Munger

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Tarun Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Sahin Begum, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 06-05-2015

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in connection with Patna Sadar Kotwali P.S. Case No. 280 of 2014 registered under Section 25(1-B)(a) of the Arms Act.

According to the prosecution case, 50 pieces of butt and 50 pieces of barrels of firearm were recovered from a bag being carried by the petitioner.

The prayer for bail of the petitioner was earlier rejected by this Court vide order dated 21.10.2014 passed in Cr. Misc. No. 39789 of 2014.

It would appear from the record that the petitioner was remanded to judicial custody on 1st May, 2014. On conclusion of investigation, the police submitted charge sheet for the offence punishable under Section 25(1-B)(a) and, accordingly, the Magistrate took cognizance of the offence.

It has been contended that charges were framed by the learned Magistrate on 21st July, 2014 but till date, trial could not be concluded and, therefore, the petitioner is entitled to be released in terms of Section 437(6) of the Code of Criminal Procedure.

From the order impugned dated 16.2.2015, it would appear that witnesses are being examined in course of trial. The nature of the offence is quite serious. The provision prescribed under Section 437(6) of the Code of Criminal Procedure is directory in nature. The learned Additional Sessions Judge-7th, Patna has recorded in his order that taking into consideration the seriousness of the offence as well as the fact that the prayer for bail of the petitioner has already been rejected by this Court, the petitioner cannot be directed to be released in terms of the provision prescribed under Section 437(6) of the Code of Criminal Procedure.

I find no illegality in the order passed by the Court below. Accordingly, the application is dismissed.

The learned Judicial Magistrate-1st Class, Patna is directed to expedite the trial and conclude the same as early as possible.

(Ashwani Kumar Singh, J.)

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