

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24453 of 2013

Arising Out of PS.Case No. -154 Year- 2011 Thana -CHAPRA CITY District- SARAN

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1. Nikesh Ray Alias Piyush Raj Alias Nikesh Rai @ Piyush Rai S/O
Lakshman Rai Resident Of Village Ramgadha P.S. Awtar Nagar, Distt-
Saran At Chapra

.... Petitioner

Versus

1. The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr. J.K.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

12 01-04-2015

The petitioner is languishing in custody since 17.08.2011 in a case registered for the offences punishable under Sections 302, 120B/34 of the I.P.C and Section 27 of the Arms Act.

It is alleged that one Chandra Shekhar Singh informed the informant that indiscriminate firing is going on at the residence of Pappu Singh. The informant reached to the place of occurrence to find that his brother Mani Bhushan Singh, Dinesh Yadav and Devendra Singh have been shot dead by the unknown miscreants. The informant raised suspicion against this petitioner, Mahesh Rai, Arvind Rai, Devendra Singh and their associates.

It is submitted by learned counsel for the petitioner that only on suspicion the accusation has been levelled. Co-accused Sanjay Rai, Shambhu Rai and Ghanshyam

Singh @ Pappu Singh have been granted bail vide Cr. Misc. Nos. 10213 of 2012, 43973 of 2011 and 44301 of 2011.

It is submitted by learned A.P.P after going through the case diary that paragraph Nos. 17 and 21 of the case diary contains the statements of the eye witnesses who suggested that firing was resorted to by this petitioner, Avinash Rai, Mahesh Rai and Ajay @ Raja. Though it is submitted by learned counsel for the petitioner that had these witnesses present on the spot then there was no occasion for the informant to get his hearsay fardbeyan recorded.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner.

Accordingly the application is dismissed at present in connection with Chapra Town P.S. Case No. 154 of 2011 (Sessions Trial No. 107 of 2012), pending in the Court of learned XIth Additional Sessions Judge, Saran at Chapra.

Since the petitioner is in custody for about four years, let the trial be expedited.

The petitioner will be at liberty to renew the prayer for bail, if the trial is not concluded within a period of six months.

(Dinesh Kumar Singh, J)

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