

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35533 of 2014

Arising Out of PS.Case No. -175 Year- 1994 Thana -BHAWANIPUR District- PURNIA

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1. Upendra Singh, son of Tirpat Singh, resident of village- Kamai, Police
Station- Bhawanipur, District- Purnia

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Durgesh Nandan, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

5/ 15-04-2015

Heard the parties.

Prayer of the Petitioner for bail was earlier rejected
by this Court by order dated 30.09.2010 passed in Cr. Misc.
No.32778 of 2010.

The Petitioner has renewed his prayer for bail on the
ground of undue delay in trial. The Petitioner has also annexed the
order dated 18.07.2012 by which the Trial Court had expressed his
inability to dispose of the trial on the basis of Photostat copy of the
documents and had called for the documents from this Court
which was tagged with Cr. Appeal No.107 of 2005. However, the
documents were never sent by the registry of the High Court and
hence, trial was kept pending. In such circumstances, the
Petitioner moved for bail.

A fresh report from the Trial Court dated 13.01.2015

has been received. The first part of it corroborates the submission of the Petitioner. However, later on the Trial Court has stated that it had proceeded to dispose of the case on the basis of Photostat copy of the evidence, First Information Report and charge-sheet and became ready to hear argument. The defence partly argued the case on 03.09.2014 but thereafter on 03.12.2014 the defence counsel refused to argue the case. On 12.01.2015 also the defence counsel did not turn for argument.

In view of this report, evidently it appears that defence itself is avoiding conclusion of the trial.

It has been submitted that defence counsel was not arguing because the prosecution counsel has not argued.

Be that as it may, the Trial Court may decide the fate of the trial in its proper perspective in accordance with law.

Prayer of the Petitioner for bail in connection with Sessions Trial No.560 of 1995 arising out of Bhawanipur P.S. Case No.175 of 1994 pending before the *Ad hoc* Additional Sessions Judge, VIII, Purnia, is once again rejected.

(Anjana Prakash, J)

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