

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7887 of 2016

Arising Out of PS.Case No. -195 Year- 2014 Thana -KOTWALI District- MUNGER

=====

1. Prashant Mishra @ Baba son of Bipin Mishra, resident of village- Hassanpur, P.S.- Muffasil, District- Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 28-03-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner carries criminal antecedent of near about 32 cases and it is pointed out that out of above-said 32 cases, petitioner has already been acquitted in 16 cases.

Petitioner is being tried before the trial court for the offences punishable under Sections-399, 402 of the Indian Penal Code, 25(i-B)A, 26/36 of the Arms Act and Sections-4/5 of Explosive Substances Act.

Contention on behalf of the petitioner is that the petitioner was neither caught on the spot nor anything has been recovered from his conscious possession and having more or less similar allegation, some co-accused have already been granted privilege of bail by a coordinate bench of this court whereas; petitioner is in jail custody since 05-12-2014.

The trial court has reported that 8 proposed prosecution

witnesses have already been examined and the trial of the petitioner is running on day-to-day basis. The learned trial court has reported that trial of the petitioner shall be concluded as early as possible.

It is very shocking to see the report of learned Additional Sessions Judge-Vth, Munger because this court had asked the concerned court to disclose the expected time to be taken for disposal of case of the petitioner but a very vague reply has been given by the concerned court.

Moreover, considering the stage of trial as well as antecedent of the petitioner, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Kotwali P.S. Case No. 195 of 2014 corresponding to Sessions Trial No. 74 of 2015 pending in the court of learned Additional Sessions Judge-Vth, Munger stands rejected.

However, the trial court is directed to conclude the trial of the petitioner within three months from the date of receipt/production of copy of this order, failing which, the petitioner may renew his prayer for bail before the trial court itself.

(Hemant Kumar Srivastava, J)

A.K.V./-

U		T	
---	--	---	--