

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9728 of 2016

Arising Out of PS.Case No. -26 Year- 2010 Thana -AANTI District- GAYA

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1. Sudhir Paswan @ Sarwan @ Sudhir Kumar @ Sarwan Paswan son of
Pun Paswan, Resident of Village- Asani, P.S.- Guraru, Distt- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 01-03-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Earlier the prayer for bail of the petitioner was rejected by a co-ordinate Bench of this court vide order dated 30.09.2013 passed in Cr. Misc. No. 14124 of 2013 giving liberty to petitioner to renew his prayer for bail before the court, if his trial is not taken up and concluded within a period of one year from the date of receipt of the aforesaid order but the impugned order of learned Additional Chief Judicial Magistrate-IX, Gaya shows that the aforesaid order dated 30.09.2013 passed in Cr. Misc. No. 14124 of 2013 was never received in the trial court.

However, the charge against the petitioner has already been framed on 13.07.2015 and, therefore, in my view,

petitioner does not deserve the privilege of bail and accordingly, his prayer for bail in connection with Anti P.S. Case No. 26 of 2010 pending in the court of Additional Chief Judicial Magistrate-IX, Gaya stands rejected.

However, learned trial court is directed to conclude the trial of the petitioner within one year from the date of framing of the charge and if the trial court fails to do so without any latches of petitioner, the trial court shall release the petitioner on bail fixing the amount of bail bonds on its own merit.

(Hemant Kumar Srivastava, J)

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