

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14326 of 2016

Arising out of PS.Case No. -531 Year- 2014 Thana -MANER District- PATNA

Sanjiv Kumar @ Nepali, Son of Hulas Rai, resident of Village- Beyapur,
Police station Maner, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate.
For the Informant : M/S. Arun Kumar Singh & Ranjit Kumar,
Advocates.
For the State : Mr. Ajay Kumar-II(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 03-08-2016 Vide order dated 23.05.2016, a report was called for
from the court below in respect to the stage of the case. The said
report has been received and it is marked as Flag-‘A’.

Heard learned senior counsel for the petitioner, learned
counsels for the informant and for the State.

The petitioner is languishing in custody since
25.12.2014 in connection with Sessions Trial No. 745 of 2015,
arising out of Maner P.S. Case No. 531 of 2014 for the offences
instituted under Sections 147, 148, 149, 323, 341, 504, 302 of the
IPC and 27 of the Arms Act.

The allegation upon the petitioner is of firing which hit
the deceased.

The petitioner is in custody since 25.12.2014. The case has already been committed to the Court of Sessions and four prosecution witnesses have already been examined as it has been submitted by learned counsel for the informant.

Learned counsel for the petitioner submits that there is admitted enmity between the parties due to money lending and the injury found on the neck of the deceased suggests that he was not in position to make dying declaration.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and there is direct allegation of firing against the petitioner on the neck of the deceased. The post mortem report also corroborates the injury found on the neck of the deceased. The other witness whose statement has been recorded in paragraph no. 10 of the case diary has stated that he had seen the petitioner fleeing away from the place of occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Sessions Trial No. 745 of 2015, arising out of Maner P.S. Case No. 531 of 2014, pending in the court of the learned A.D.J. VII, Danapur, Patna. Anyhow, the court below is directed to take all necessary steps to conclude the trial preferably within a period of

six months from the date of receipt/production of copy of the order as already four prosecution witnesses have been examined. Learned counsel for the informant submits that he will be producing all the private witnesses on the date fixed by the court below. The court shall ensure that the official witnesses, the Doctor and the Investigating Officer, are also examined within the said stipulated period.

The Senior Superintendent of Police, Patna, is also directed to ensure that all the remaining prosecution witnesses are produced on the date fixed by the court below including the official witnesses so that the trial could be concluded within the aforesaid time frame.

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(Sudhir Singh, J)