

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15299 of 2016

Arising Out of PS.Case No. -41 Year- 2013 Thana -BHELDI District- SARAN

Rakesh Singh @ Rakesh Kumar Singh @ Mithailal son of late Nageshwar Singh resident of Village - Shilauri, P.S. Marhowra, District - Saran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate.
For the Opposite Party : Ms. Suman Kumari Singh (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 31-08-2016 Heard both sides.

The petitioner seeks bail in Sessions Trial No. 400 of 2015, arising out of Bheldi P.S. Case No. 41 of 2013, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code and Section 27 of the Arms Act.

The prayer for bail of the petitioner was earlier rejected vide order dated 09.02.2015 passed in Cr. Misc. No. 42067 of 2014 with a direction to the trial court to expedite the trial and conclude the same within one year from the date of receipt/production of a copy of this order.

It is submitted that the trial has not yet been concluded and only charges have been framed against the accused persons. The petitioner is in jail since 31.03.2014.

It appears that although the case was committed to the court

of Sessions on 10.08.2015, but the same remain pending in the court of Sessions Judge, Saran, Chapra and the sessions trial was only transferred to the court of 3rd Additional Sessions Judge, Saran, Chapra on 22.02.2016, therefore, the trial could not be concluded.

Since there is specific allegation against the petitioner that the petitioner fired which hit brother of the informant who later on died, I am not inclined to enlarge the petitioner above named on bail in Sessions Trial No. 400 of 2015, arising out of Bheldi P.S. Case No. 41 of 2013. Accordingly, the same is rejected.

However, the trial court is directed to expedite the trial holding on day to day basis and must conclude it within nine months from the date of receipt of this order, if the trial is not concluded within nine months the petitioner may renew his prayer for bail.

The S.P., Saran, Chapra is also directed to ensure the attendance of prosecution witnesses of Sessions Trial No. 400 of 2015, arising out of Bheldi P.S. Case No. 41 of 2013 pending in the court of 3rd Additional Sessions Judge, Saran, Chapra so that the trial must be concluded within nine months.

(Prabhat Kumar Jha, J.)

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