IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18907 of 2016

Arising Out of PS.Case No. -136 Year- 2004 Thana -BARACHATTI District- GAYA

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Jacki Ahmad @ Jacki, Son of Late Hasibul Rahman, Resident of Village- Bandohi, P.S.- Sherghati, District-Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Sudhir Kumar Sinha, Adv.
For the Opposite Party : Mr. Binod Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

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4 02-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody in connection with Barachatti P.S. Case No. 136 of 2004, Trial No. 1029 of 2015 for the offences instituted under Section 392 of the Indian Penal Code.

Earlier bail application of the petitioner was rejected. Vide orders dated 04.05.2016 & 29.06.2016, a report was called for from the court below regarding the stage of the case. The report is kept on the record and marked as Flag 'K'. As per report, it has been stated that the petitioner earlier had absconded. Subsequently after his arrest, he has again been remanded in the present case. It is further pointed out that within a period of six months the trial will be concluded.

It has been submitted on behalf of the petitioner that the petitioner is not named in the F.I.R., though he has been made

accused on the basis of confessional statement of co-accused. No incriminating article is said to have been recovered from possession of the petitioner. No T.I.P has been conducted to ascertain his implication in the present case.

On behalf of the State it has been submitted that the petitioner has absconded from the judicial custody hence, he may not be granted bail at this stage which will hamper the trial of the case.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Barachatti P.S. Case No. 136 of 2004, Trial No. 1029 of 2015, pending in the court of learned A.C.J.M., Sherghati at Gaya. 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 this order.

The Superintendent of Police, Gaya, is also directed to ensure that the prosecution witnesses are produced on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the Superintendent of Police, Gaya.

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Rajiv/- **(Sudhir Singh, J.)**

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