

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38047 of 2015

Arising Out of PS.Case No. -218 Year- 2009 Thana -MUNGER MUFFASIL District- MUNGER
=====

Sadhu Yadav, S/O Manik Lal Yadav @ Mana Yadav, resident of village-
Shankarpur, P.S. Muffasil, District Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Raj Kumar Choudhary, Advocate.

For the Opposite Party : Mr. Dr. M.K. Gautam (App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 19-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 20.01.2014
in connection with Muffasil P.S. Case No. 218 of 2009, G.R. No.
1487/2009 for the offences instituted under Sections 302/34 of the
IPC and 27 of the Arms Act.

The allegation against the petitioner is to have shot fired
upon the son of the informant which hit in the back side of head of
the deceased who fell down and became unconscious.

The earlier bail application of the petitioner was rejected
vide Annexure-1 to the present application with a direction that
the petitioner had remained absconding for a long period since
2009 to 2014. This is second attempt on behalf of the petitioner for

grant of bail.

A report was called for from the court below regarding the stage of the case. It has been reported that the case is pending for appearance of two other accused hence no time would be indicated within what period the trial is expected to be concluded.

It has been submitted on behalf of learned counsel for the petitioner that the petitioner is in custody since 20.01.2014. The charge sheet has been submitted in the present case. He has falsely been implicated in the present case. The postmortem report does not support the allegations made in the FIR.

On behalf of learned counsel for the State, it has been submitted that the petitioner is named in the FIR and there is specific allegation against him for firing upon the deceased. The injury found on the body of the deceased is supported by the allegations made in the FIR.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Muffasil P.S. Case No. 218 of 2009, G.R. No. 1487 of 2009, pending in the court of the learned C.J.M., Munger.

The court below is directed to take all necessary steps against the absconding accused and after exhausting the process may bifurcate the trial of the petitioner preferably within a period

of one year from the date of receipt/production of copy of the order as the petitioner has already remained in custody for approximately two years ten months.

The District Magistrate, Munger and the Superintendent of Police, Munger are also directed to ensure that the witnesses are produced in the court 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 District Magistrate, Munger and the Superintendent of Police, Munger.

U.K./-

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

(Sudhir Singh, J)