

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16672 of 2015

Arising Out of PS.Case No. -140 Year- 2013 Thana -GOH District- AURANGABAD

Suresh Yadav S/o Raghu Yadav Resident of village - Jai Nagar, P.S. Gurua,
District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Meena Singh, Advocate.

For the Opposite Party/s : Mr. Parmeshwar Mehta, Advocate.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 05-07-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in Goh P.S. Case No. 140 of
2013 dated 18.07.2013 instituted under Sections
147/148/149/324/353/307/326/435/379/427/302 of the Indian Penal
Code, 27 of the Arms Act, 3/4 of the Explosives Substances Act and 10
of the Unlawful Activities (Prevention) Act.

This is the second attempt of the petitioner for bail as
previously such prayer was rejected by order dated 30.06.2014 in Cr.
Misc. No. 10542 of 2014.

Earlier a report was called for from the Court below as
to why the order dated 30.06.2014 in Cr. Misc. No. 10542 of 2014 has
not been complied with. Pursuant to the same, Letter No. 33 dated
22.04.2016 has been received from the S.D.J.M., Daudnagar in which it

has been stated that because of non appearance of the other accused, the matter has not been committed to Sessions.

The Court finds such position to be untenable as the petitioner, for no fault of his, is suffering due to the conduct of the other accused over whom he has no control.

In view of the reasons given in the earlier order dated 30.06.2014, rejecting the prayer for bail of the petitioner and no subsequent development, except for passage of time, having been brought to the notice of the Court to persuade it to grant bail, the Court is not inclined to enlarge the petitioner on bail.

Accordingly, the application stands dismissed.

However, the Court below is directed to ensure that the trial is concluded within nine months and for the said purpose, if required, the trial may be bifurcated as far as the petitioner is concerned. The Senior Superintendent of Police, Gaya is also directed to ensure that the prosecution witnesses are produced for examination before the Court below on the dates fixed.

Registry shall communicate the order to the Court below as well as the Senior Superintendent of Police, Gaya through Fax also latest by tomorrow.

(Ahsanuddin Amanullah, J)

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