

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42 of 2015

Arising Out of PS.Case No. -164 Year- 2012 Thana -GOVINDGANJ District- EAST
CHAMPARAN (MOTIHARI)

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Munna Pandey, S/o Shri Narayan Pandey, resident of Village- Babhnauli, P.S.-
Govindganj, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Parasmani, Advocate
For the State	:	Md. Arif (A.P.P.)
For the Informant	:	Mr. Ajay Kumar Mishra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-06-2016

Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

This is the second attempt of the petitioner for bail
in connection with Govindganj P.S. Case No. 164 of 2012 as
earlier such prayer was rejected by order dated 19.06.2014 in Cr.
Misc. No. 9274 of 2014.

By order dated 06.04.2016, a report was called
from the Court below with regard to the status of the case,
reasons for delay and the likely time by which the trial can be
concluded.

Pursuant to the same, Letter No. 100 dated 30th
April, 2016 has been received from the 6th Additional Sessions
Judge, East Champaran, Motihari in which it has been stated that
after the closing of the prosecution case, the matter was fixed for
recording the statement of the accused under Section 313 of the

Code of Criminal Procedure, 1973 but because the father of the petitioner, who is on bail, is absconding, warrant of arrest has been issued against him and the matter is still pending. It has further been stated that upon the accused Srinarayan Pandey, who is the father of the petitioner, appearing, within two to three months, the trial is likely to be concluded.

Having regard to the aforesaid, the Court is not inclined to grant bail to the petitioner in view of the reasons recorded in the earlier order by which his prayer for bail was rejected and also for the reason that his father has not been cooperating in the trial resulting in delay which is a clear indication that the trial shall be hampered if the petitioner is released on bail.

Accordingly, the application stands dismissed.

However, the Court below is directed to ensure that within two months of the absconding accused appearing, the trial shall be concluded positively.

Registry shall communicate the order to the Court below through Fax also latest by tomorrow.

(Ahsanuddin Amanullah, J)

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