

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4948 of 2016

Arising Out of PS.Case No. -23 Year- 1995 Thana -MANSAHI District- KATIHAR

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1. Daud Mian @ Daud Ansari Son of Late Aro Mian @ Basir Ansari @ Arun Mian resident of Village- Jharkaha Momin Tola Mohan Chandpur, P.S.- Barari (Semapur), District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. S.N.Shukla (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 20-04-2016

Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 302 and 120 (B) of the I.P.C and section 27 of the Arms Act.

This is a case of the year 1995. After exhausting all the process the petitioner has been declared absconder in the year 2000. Against other co-accused in Sessions Trial No. 05 of 1996 judgment has already been delivered and three accused persons have been convicted resulting Cr. Appeal No. 56 of 2000 is pending before this Court and the trial of this accused and others were separated on 27.03.1996. On the basis of the permanent warrant of arrest the petitioner has been arrested and he is in custody since 06.08.2015. Charges have already been framed and

three prosecution witnesses have already been examined.

The learned counsel for the petitioner submits that only on the basis of suspicion the petitioner has been implicated in this case, due to lack of knowledge the petitioner did not appear earlier and ultimately he has been declared absconder and now by remaining in custody he has been sufficiently penalized, the petitioner undertakes to remain present on each and every date.

The learned A.P.P. opposes prayer for bail by submitting that after execution of the process under sections 82 and 83 of the Cr.P.C. the petitioner has been declared absconder.

In the facts and circumstances as stated above, considering the long period of abscondance, at present I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with S.T. No. 05 of 1996 arising out of Mansahi P.S. Case No. 23 of 1995 pending in the court of the Additional Sessions Judge-Ist, Katihar.

However, the trial court is directed to expedite the trial and to conclude the same preferably within six months after taking the same on the priority basis.

Abhay/-

(Jitendra Mohan Sharma, J)

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