

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.15472 of 2015**

Arising Out of PS.Case No. -30 Year- 2014 Thana -KASIMBAZAR District- MUNGER

1. Md. Imtyaj @ Md. Sonu @ Md. Imteyaz @ Sonu Son of Md. Hassan Imam

2. Md. Hassan Imam Son of Late Faiz Ali

Both resident of Mohalla - Hazaratganj, Bara, Gali No. 11, P.S. Kasim Bazar,  
District - Munger

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

**ORAL JUDGMENT**

**Date: 16-03-2016**

Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

Supplementary affidavit has also been filed on behalf  
of the petitioners.

The petitioners seek bail in S. T. No. 906 of 2014  
arising out of Kasim Bazar P.S. Case No.30 of 2014 dated  
02.03.2014 instituted under Sections 25(1-AA)/25(1-B)(a)/25

(1-C)/26(1)(2) (3)/35 of The Arms Act, 1959 and 17/20 of The Unlawful Activities (Prevention) Act, 1967.

This is the second attempt by the petitioners for bail in the aforesaid case as earlier such prayer was rejected by order dated 24.09.2014 passed in Cr. Misc. No. 30782 of 2014. However, the Court below was directed to expedite the trial and conclude the same within six months. The same not having been done, the present application has been preferred by the petitioners renewing their prayer for bail.

Learned counsel for the petitioners submits that the intervening circumstances after such rejection is that seven prosecution witnesses have been examined but none have named the petitioners and after 01.05.2015 there has been no progress in the trial till date. He submits that petitioner no. 2 is old and only because of the fact that guilt may be there of his son, he has been implicated solely because he was also living with him.

Learned A.P.P. submits that the Court having once rejected the prayer on merit and seven prosecution witnesses having been examined, the remaining four may be directed to be examined and the trial finally concluded.

The Court had earlier called for a report from the Court below as to the reason why the order dated 24.09.2014 passed in Cr.

Misc. No. 30782 of 2014 had not been complied with. Pursuant to the same, the Court below has submitted a report dated 12.01.2016 in which it has been stated that upon transfer of the previous Presiding Judge, the case was transferred in his Court and put up before him on 08.01.2016 and the next date was fixed for 06.02.2016 for evidence.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds no ground to take a fresh view.

Accordingly, the prayer for bail stands rejected.

However, the Court below is directed to ensure that the trial is concluded latest by 30<sup>th</sup> June, 2016 and compliance report submitted to the Court.

The Superintendent of Police, Munger is also directed to ensure that the remaining prosecution witnesses are produced before the Trial Court without delay.

Learned Sessions Judge, Munger is directed to ensure that the case is allotted to a Court which is not vacant and it proceeds in order to ensure that the trial itself is concluded by the time fixed by the Court.

Registry shall communicate the order to the learned Sessions Judge, Munger and the concerned Trial Court as well as

the Superintendent of Police, Munger through Fax also latest by tomorrow.

The application stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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