

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34112 of 2016

Arising Out of PS.Case No. -91 Year- 2014 Thana -AMAS District- GAYA

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Suraj Aruk son of Hanuman Aruk, Resident of Village- Koera, P.S.- Koera,
District- Kemjhar (Orisa)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr.Lelawati Kumari, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

3 14-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has been made accused in connection with Amas P.S. Case No.91 of 2014 registered under Sections 25(1-B)(a), 26(2) and 35 of the Arms Act. He is in custody since 23rd July, 2014. His application for bail was earlier rejected by this Court vide order dated 2.12.2015 passed in Cr. Misc. No.38570 of 2015.

3. According to the prosecution case, a Tata Sumo vehicle was intercepted by the police and on search three country made rifles of 0.315 bore, one country made gun and one country made pistol were recovered from him. The petitioner and one Suresh Prasad were apprehended by the police, who were moving

in the said Tata Sumo vehicle at the time of search.

4. It has been submitted by the learned counsel for the petitioner that co-accused Suresh Prasad has already been granted bail by a Bench of this Court vide order dated 11.9.2015 passed in Cr. Misc. No.50884 of 2014. She has submitted that the case of the petitioner stands on exactly same footing to that of co-accused Suresh Prasad and, by now, he has remained in custody for over two years.

5. On the other hand, learned counsel for the State has submitted that it would be evident from the order dated 11.9.2015 passed in Cr. Misc. No.50884 of 2014, as contained in Annexure-3 to the present application, whereby co-accused Suresh Prasad was granted bail that the vehicle from which firearms were recovered was being driven by one Akhilesh Paswan, who had disclosed to the informant that two persons had hired the vehicle for going to Dobhi from Gurari. Further, it would be evident that the petitioner had confessed before the informant that the seized arms were being carried by him.

6. I have heard learned counsel for the parties and perused the record. The contention of the petitioner that the co-accused Suresh Prasad has already been granted bail was considered by this Court in its previous order dated 2.12.2015,

whereby the petitioner's application for bail was rejected. On perusal of the report submitted by the jurisdictional Magistrate, it would appear that recently the case has been committed to the court of sessions.

7. Regard being had to the gravity of the offence, I am not inclined to grant bail to the petitioner for the present. Accordingly, his application for bail is rejected.

8. The Sessions Judge, Gaya is directed to frame charges against the petitioner forthwith and conclude the trial as early as possible, preferably within a period of nine months.

9. If the trial is not concluded within nine months from the date of framing of charges, the petitioner would be at liberty to renew his prayer for bail before the court below itself.

(Ashwani Kumar Singh, J)

Md.S./-

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