

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40980 of 2016

Arising Out of PS.Case No. -195 Year- 2014 Thana -KOTWALI District- MUNGER

=====

1. PRASHANT MISHRA @ BABA son of Bipin Mishra Resident of
Village-Hassanpur, Police Station-Muffasil, District-Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh

For the Opposite Party/s Mr. Mustaque Alam

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 30.11.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Earlier prayer for bail of the petitioner was rejected on merit taking note of the criminal antecedent as well as other relevant facts but the petitioner, again, sought bail on the ground that he is in jail custody for near about two years and up till now, his trial could not be concluded.

Learned trial court has reported that case was posted for argument but in the meantime, prosecution filed a petition under section 311 of the Cr.P.C to bring on record the confessional statements of accused persons related to the same occurrence which is attached with Sessions Trial no. 172/2016 and the aforesaid prayer of the prosecution was allowed on 14.7.2016. Thereafter, defence filed a petition for adjournment as the defence wanted to prefer revision before this court. Trial court has observed that due to the aforesaid

hide and seek policy as well as delaying tactics adopted by the defence, trial could not be concluded.

Learned counsel for the petitioner submits that the aforesaid report of the trial court is against the fact of the present case. It is further submitted that when the case was posted for argument, prosecution filed a petition under section 311 of the Cr.P.C to bring those documents on record which are not admissible in law but even then, the trial court allowed the aforesaid application. Thereafter one co- accused preferred revision before this court which is still pending.

Considering the aforesaid facts and circumstances as well as submissions of the parties, prayer for bail of the petitioner in connection with Sessions Trial no. 74/2015 arising out of Kotwali P.S. case no. 195/2014 stands rejected.

However, Addl. Sessions Judge V, Munger/concerned court is directed to proceed with the trial of the petitioner and dispose of the same within one month from the date of receipt/production of a copy of this order, if trial of petitioner is not stayed by higher court.

Shahid

(Hemant Kumar Srivastava,J)

U		T	
---	--	---	--