

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.877 of 2016

Arising Out of PS.Case No. -278 Year- 2015 Thana -SITAMARHI District- SITAMARHI

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1. Rajiv Singh @ Bulet Singh S/o Late Surendra Singh Resident of Village -
Garhwa Bashant, P.S. - Purnahiya, District - Sheohar.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 09-11-2016 1. The appellant is aggrieved by an order, dated
29.06.2016 passed by learned First Additional Sessions Judge,
Sitamarhi, whereby the appellant's application for regular bail in
connection with Sitamarhi P. S. Case No. 278 of 2015 has been
rejected.

2. The appellant is in custody since 11.03.2016. The First
Information Report has been registered for commission of the
offence punishable under Sections 302, 120B/34 of the Indian
Penal Code, Section 3(2) (v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section
27 of the Arms Act.

3. Assailing the order passed by the learned Court below,
learned Counsel for the appellant has submitted that the appellant

is not named in the First Information Report though seven persons have been named. He has been implicated merely on the basis of suspicion raised by some persons in course of investigation. He has also submitted that over and above the said suspicion raised in course of investigation, there is no material collected against the appellant showing his involvement.

4. I find from paragraph 3 of the memo of appeal that the appellant has criminal antecedent inasmuch as he is accused in at least ten cases, some of which are very serious in nature.

5. In such circumstance, I do not find any illegality in the impugned order, whereby the appellant's application for grant of regular bail has been rejected.

6. This appeal is, accordingly, dismissed.

7. Before I part with I must observe, in the light of the submissions made on behalf of the appellant that the charge-sheet has been submitted by the police against the appellant also, despite the fact that there is no material against him, that learned trial Court shall expedite framing of charge upon careful examination of the materials on record, if not already framed. If the appellant applies for his discharge on the basis of plea that there is no material against him, the Court below shall consider such aspect and pass necessary orders. If charge is not framed within a period

of three months from today, the appellant may renew his prayer for bail before the Court below. The Court expects that the Court below shall expedite, trial after framing of the charge.

8. With the aforesaid observations, this appeal stands dismissed.

(Chakradhari Sharan Singh, J)

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