

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50884 of 2016

Arising Out of PS.Case No. -207 Year- 2010 Thana -KARAHGAR District- SASARAM (ROHTAS)

Arvind Singh @ Arvind Kumar Singh, son of Hanuman Singh, resident of
village : Sonadih, P.S. : Kargahar, District : Rohtas at Sasaram.

.... .. Petitioner/s

Versus

The State of Bihar.

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 30-11-2016

This is the 5th attempt on behalf of the petitioner for grant of bail in connection with Sessions Trial No. 195 of 2011 arising out of Kargahar P.S. Case No. 207 of 2010 registered under Sections 302 read with 34 of the Indian Penal Code and Section 25(1-B) (a), 26 and 27 of the Arms Act.

It is contended by the learned counsel for the petitioner that the petitioner is in custody since 28th December, 2010 i.e. for more than five years and still the prosecution has not examined all its witnesses. It is contended that the trial of the case is not likely to be concluded in near future and from the evidence collected during trial, it would be evident that the informant of the case was not an eye-witness to the occurrence rather, he came to the place of occurrence on hearing sound of firing.

On the other hand, learned counsel for the State

opposed the application for bail. He has contended that by now five witnesses have already been examined and only the doctor, who conducted the post-mortem examination, remains to be examined. He has further contended that from perusal of the FIR as also the other materials collected during investigation, it would be apparent that the petitioner opened fire causing injury in the back of the son of the informant, as a result of which he died instantaneously.

Regard being had to the facts and circumstances of the case, the prayer for bail is rejected.

The learned 1st Additional Sessions Judge, Rohtas at Sasaram is directed to expedite the trial of the case and conclude the same as early as possible, preferably within a period of six months from the date of receipt/production of a copy of the order, failing which the petitioner would be at liberty to renew his prayer for bail before the court below itself.

The prosecution is also directed to produce and examine the doctor without further delay.

(Ashwani Kumar Singh, J.)

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