

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2779 of 2016

Arising Out of PS.Case No. -49 Year- 2014 Thana -KAUAKOL District- NAWADA

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1. Birendra Singh Son of Sudeshi Singh @ Sidheshwar Singh, Resident of
Village - Rustampur, P.S. - Kawakole, in the district of Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Rajendra Singh Shastrijee (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 31-03-2016

The matter has been placed in view of the administrative order of Hon'ble the Acting Chief Justice dated 18.2.2016 since the co-ordinate bench which has earlier rejected the prayer of the petitioner for bail is not available due to medical exigencies.

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 9.5.2014 in a case registered for the offences punishable under Sections 147,148,149,379 and 302/34 of the Indian Penal Code.

The prosecution case is that the informant along with his brother Narayan Singh and maternal uncle Ramanuj Singh was returning home when he saw the petitioner and other accused persons making indiscriminate firing on his mother and brother Gopal Singh. Subsequently, both the injured succumbed to the

injury.

It is submitted by the learned counsel for the petitioner that from the own averment of the informant it does not appear that the informant is eye witness to the occurrence as the informant has admitted that when he reached at the place of occurrence, he saw the petitioner and others fleeing away and his mother and brother were lying in injured condition and similar are the statements of other witnesses Narayan Singh and Ramanuj Singh recorded in paragraphs 13 and 14 of the case diary.

This court vide order dated 19.2.2016 called for a report from the learned trial court with regard to the stage of the trial. The report of the learned Ist Additional Sessions Judge, Nawada reflects that only I.O., doctor and one chargesheet witness are left to be examined and due to adjournments taken by the accused persons the trial is not proceeding at a faster pace but the trial is likely to be concluded soon.

Considering the present stage of the trial, this court is not inclined to grant bail to the petitioner in connection with ST No. 69 of 2015 /18 of 2015 arising out of Kawakole P.S. Case No. 49 of 2014 pending in the court of learned ADJ III, Nawada.

This application is, accordingly, dismissed.

It is expected from the learned trial court to conclude

the trial within three months.

Anil/-

(Dinesh Kumar Singh, J)

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