

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13640 of 2015

Arising Out of PS.Case No. -198 Year- 2012 Thana -ARA NAGAR District- BHOJPUR

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Amit Paswan Son of Ramakant Paswan Resident of Village- Misir Karma, P.s-
Tenari , district- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-07-2016

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in Ara Town P.S. Case No. 198
of 2012 dated 16.07.2012 instituted under Sections 302/307/120B of
the Indian Penal Code and 27 of the Arms Act.

This is the second attempt of the petitioner for bail as
earlier such prayer was rejected on 27.08.2014 passed in Cr. Misc.
No. 14794 of 2014 with a direction to the Court below to expedite the
trial and conclude the same within six months.

Earlier a report was called from the Court below with
regard to non-compliance of the order dated 27.08.2014 passed in Cr.
Misc. No. 14794 of 2014.

Such report has been received from the Judicial Magistrate 1st Class, Civil Court, Bhojpur at Ara dated 26.04.2016 which discloses that three other co-accused have been shifted out of Bhojpur jail and, thus, due to their non-attendance, the record could not be committed to the Sessions Court.

In view of the aforesaid, and the fact that co-accused Rahul Rai, who had stated in his confession that it was the petitioner who had fired at the deceased and the postmortem report discloses death due to one gun short injury, has since been convicted, the Court is not inclined to enlarge the petitioner on bail.

Accordingly, the application stands dismissed.

However, the Court below shall ensure that, if required, the trial is split up, as far as the petitioner is concerned, as he is in custody and not transferred to another jail, and ensure that the trial is concluded within nine months positively.

This Court would like to indicate that the trial Court has sufficient powers under the law to ensure that if parties do not cooperate, trial can be proceeded with and concluded. Let the Court exercise such power.

The Superintendent of Police, Bhojpur is also directed to ensure that the prosecution witnesses are produced before the court below for their examination on the dates fixed.

The order be communicated by the Registry to the Court below as well as the Superintendent of Police, Bhojpur through Fax also latest by tomorrow for its strict compliance.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	NAFR
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