

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16848 of 2016

Arising Out of PS.Case No. -65 Year- 1999 Thana -UCHAKAGAON District- GOPALGANJ

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1. Maksudan Singh Son of Bishwanath Singh,
 2. Sheobrat Singh @ Sheobrath Singh, Son of Raja Ram Singh,
 3. Chandra Keshwar Singh @ Chandra Shekhar Singh, Son of Jayram Singh,
 4. Amod Singh @ Amod Kumar Singh, Son of Kapildeo Singh, All resident of village - Sathi, P.S. - Uchakagaon, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A.K.Sharma

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

7 20-08-2016

Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Uchakagaon P.S. Case no. 65 of 1999, disclosing offences under Sections 147,148,149,302 of the Indian Penal Code and Section 27 of the Arms Act as well as Section 3(x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

The petitioners were named in the First Information Report. The Police upon completion of investigation submitted charge-sheet against other co-accused persons but did not send these petitioners up for trial. The case was committed to the Court of Sessions and during evidence, since the names of these

petitioners were also surfaced, the informant filed an application under Section 319 of the Code of Criminal Procedure, which was rejected by learned First Additional District Judge, Gopalganj vide order dated 30.08.2010.

Upon challenge being made to this Court to the order passed by the learned First Additional Sessions Judge, Gopalganj, this Court allowed Cr. Misc. No.8860 of 2011 by an order, dated 02.03.2015. The Court made the following orders:-

“Hence, the Application is allowed with a direction to the Trial Court to summon the accused persons to appear and face trial within a period of four weeks from the date of receipt of this order, failing which strict action shall be taken against them. Thereafter charges shall be framed. For an expeditious disposal of the trial it shall send a list of the witnesses fixing specific dates for production of the witnesses along with a copy of this order to the Superintendent of Police, Gopalganj and the Superintendent of Police, Gopalganj is directed to ensure production of the witnesses on the date so fixed by the Trial Court so that there is no further delay in trial.

Admittedly, the petitioners did not appear before the Court below in the light of the order, dated 02.03.2015 and preferred anticipatory bail application in the year 2016 before learned Sessions Judge, Gopalganj, which has been disposed of with a direction to the petitioners to surrender before the Court below and seek regular bail from the Trial Court on merit.

It is evident that the petitioners were aware of the order which was passed by this Court in the year 2015, whereby they

were directed to appear before the Court below. They did not choose to appear before the Court below and nearly one year after passing of the order of this Court, they applied for grant of anticipatory bail.

I do not find any justification to allow this application.

This application is, accordingly, dismissed.

However, if the petitioners appear before the Court below within two weeks from today and seek regular bail, their applications should be considered and decided, preferably on the same day without being prejudiced by rejection of the present anticipatory bail application by this Court.

(Chakradhari Sharan Singh, J)

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