

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39690 of 2016

Arising Out of PS.Case No. -764 Year- 2015 Thana -KOTWALI District- PATNA

=====

Md. Mazharul Islam @ Mazrul Islam @ Magharul Islam Son of late Haji Zainuddin Ahmad Resident of Village- Samda, P.S. Kishanganj, District Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan

For the Opposite Party/s : Mr. L.K. Sharma (App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 09-11-2016 Heard learned counsel for the petitioner, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 324, 498(A), 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The trial court has reported that due to negligence of concerned office clerk, production warrant could not be issued and that was the reason, the petitioner could not be produced before the trial court. However, the trial court has assured that charge against the petitioner will be framed on 09.11.2016.

Learned counsel appearing for the informant submits

that the prosecution shall take all efforts to get its evidence completed within a month from the date of framing of the charge.

Considering the aforesaid facts and circumstances as well as submissions of the parties, the prayer for bail of the petitioner in connection with Sessions Trial No. 582 of 2016 arising out of Kotwali P.S. Case No. 764 of 2015 pending in the court of Additional Sessions Judge-XI, Patna is again rejected.

However, it is made clear that the trial court must hear on the point of charge in accordance with law on the next date of hearing and if trial court decides to frame charge, the charge must be framed on the same day and after that the trial court must conclude the trial of the petitioner within two months from the date of framing of the charge. It is also made clear that if the trial court fails to conclude the trial of the petitioner within the period as stated above due to non cooperation and laches of the prosecution, the trial court shall release the petitioner on bail fixing bail bonds on its own level.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--