

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39312 of 2016

Arising Out of PS.Case No. -254 Year- 2005 Thana -BIHPUR District- BHAGALPUR

=====

Pappu Pandit son of Brahmdeo Pandit, Resident of Village- Mirjapur, P.S. -
Bihpur, District Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Braj Kishore Prasad, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 25-11-2016

Heard both sides

The petitioner seeks bail in Bihpur P.S. Case No. 254
of 2005 corresponding to S.T. No. 1033-A/2010 registered under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The allegation against the petitioner is that Pappu
Pandit (the petitioner) and Buchra Mandal caught hold of Lukesh
Kumar @ Lukha Mandal (the brother of the informant) and Ashok
Mandal fired on the chest of the deceased Lukesh Kumar.

Learned counsel for the petitioner submits that the
prayer for bail of the petitioner was earlier rejected vide order
dated 09.01.2015 passed in Cr. Misc. No. 740/2015 but the trial
has not yet been concluded. The petitioner is in jail since
09.03.2014.

It appears that the case is of the year 2005. Trial of the petitioner was separated vide Sessions Trial No. 1033-A/2010. The petitioner was arrested only on 09.03.2014.

Considering the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail in S.T. No. 1033-A/2010 corresponding to Bihpur P.S. Case No. 254 of 2005. Accordingly, the same is rejected.

The In-charge 1st Addl. District & Sessions Judge, Naugachia reported that only two witnesses have been examined as yet. The learned Sessions Judge is directed to transfer S.T. No. 1033-A/2010, arising out of Bihpur P.S. Case No. 254/2005, to a running court and the trial court is directed to hold the trial on day-to-day basis and conclude the same within nine months from the date of receipt of this order.

The Superintendent of Police, Naugachia is directed to ensure the attendance of non-examined prosecution witnesses of S.T. No. 1033-A/2010, arising out of Bihpur P.S. Case No. 254/2005, so that the trial must be concluded within nine months.

(Prabhat Kumar Jha, J)

Dilip/-

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