

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46265 of 2016

Arising Out of PS.Case No. -142 Year- 2005 Thana -ARA NAWADA District- BHOJPUR

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Rajeshwar Singh @ Hitwa, Son of Late Sheo Sharan Singh, Resident of
Village- Bhusara, P.S.- Arwal, District- Arwal (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate

For the Opposite Party : Mr. Sri Ahmad Ali (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 22-12-2016

Heard both sides.

The petitioner seeks bail in Ara Nawada P.S. case
no. 142 of 2005 registered under Section 364(A) of the Indian
Penal Code. Lateon Section 302/34 of the IPC was also added.

The informant alleged that his brother Raj Kr.
Tripathi went on a Hero Honda Passion motorcycle bearing
registration no. BR 3B-7544 but he is missing since 2.30 pm. The
information was given to the police on 08.06.2005 for the missing
of his brother. Motorcycle was recovered near Amiaon line hotel
in Nasriganj PS.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. The name of the petitioner



figured in the confessional statement of co-accused. Many other accused persons have already been enlarged on bail but during course of investigation, the petitioner was found involved in kidnapping of Raj Kr. Tripathi who was later on killed. The petitioner was declared absconder in the year 2006 itself and for the last 10 years, the petitioner was absconding.

Considering the facts and nature of allegations made in the petition, I am not inclined to enlarge the abovenamed petitioner on bail and accordingly, the same is rejected. However, the trial court is directed to hold the trial of the petitioner on day to day basis and conclude the same preferably within one year from the date of receipt/ production of a copy of this order. The trial court is also directed to commit this case to the Court of Sessions. The S.P. Bhojpur at Ara is directed to ensure attendance of all the prosecution witnesses during the course of trial and thereafter Addl. Sessions Judge *in seisin* of the Court shall hold trial on day to day basis.

(Prabhat Kumar Jha, J.)

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