

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10798 of 2016

Arising Out of PS.Case No. -7 Year- 2004 Thana -MAKER District- SARAN

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1. SUNIL RAI@ SUNIL SINGH S/o Baban Rai resident of village -
Fatehpur, P.S. Parsa, District - Saran Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Indu Kumari Srivastav(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 17-08-2016

Heard both sides.

The petitioner seeks bail in Maker P.S. case No. 7 of 2004 corresponding to Sessions Trial No. 206 of 2014 under Section 302 and other sections of the Indian Penal Code.

Sri Ajay Kumar Thakur, the learned counsel for the petitioner, submits that prayer of petitioner for bail was earlier rejected thrice by this court. Last time, the prayer for bail was rejected vide order dated 29.09.2015 passed in Cr. Misc. No. 23097 of 2015 with a direction to the trial court to conclude the trial within nine months from the date of receipt/ production of a copy of the order but the trial has not yet been concluded and only four witnesses have been examined. Similarly situated accused Devi Rai has already been enlarged on bail.

It appears that there is allegation against the petitioner that he opened fire. The petitioner has got criminal antecedent and he is accused in three other cases under Section

302 and other Sections of the IPC.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The learned 4th Additional Sessions Judge, Saran at Chapra in seisin of Sessions Trial No. 206 of 2014 is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt/ production of a copy of this order.

The Superintendent of Police, Saran at Chapra is directed to ensure the attendance of all the prosecution witnesses of Maker P.S. case No. 07 of 2004 corresponding to Sessions Trial No. 206 of 2014 in the court of learned 4th Additional Sessions Judge, Saran at Chapra so that the trial must be concluded within six months.

The learned 4th Additional Sessions Judge, Saran at Chapra shall report to this court if on any date fixed for evidence the witnesses have not been produced by the Superintendent of Police.

If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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