

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17310 of 2016

Arising Out of PS.Case No. -309 Year- 2013 Thana -KAHALGAON District- BHAGALPUR

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Anil Kumar @ Guddu Kumar @ Anil Mandal		Petitioner/s
Versus		
The State of Bihar		Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Pravina Kumari
For the Opposite Party/s : Mrs. Suman Kumari Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA
ORAL ORDER

4 05-10-2016

Heard both sides.

The petitioner seeks bail in Kahalgaon P.S. case No. 309/2013 under Section 364A/34 of the Indian Penal Code.

It is submitted that prayer of petitioner for bail was earlier rejected by this court vide order dated 03.04.2015 passed in Cr. Misc. No. 10908 of 2015 with a direction to the trial court to conclude the trial within one year from the date of receipt/production of a copy of the order. More than one year has already elapsed but only charges were framed against the accused and not a single witness has been examined. It is submitted that Siromani Devi, who is kingpin of the case, has already been granted bail but statement of the victim was not recorded under Section 164 of the Cr. P. C. The victim himself disclosed the name of the petitioner. Petitioner is one of the kidnappers, who demanded ransom for his release.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge

the petitioner on bail. Accordingly, the same is rejected.

The learned 3rd Additional Sessions Judge, Bhagalpur, who is in seisin of the case, is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order.

The Senior Superintendent of Police, Bhagalpur is directed to ensure the attendance of prosecution witnesses of Kahalgaon P.S. case No. 309 of 2013, corresponding to Sessions Trial No. 37 of 2016, one by one in the court of learned 3rd Additional Sessions Judge, Bhagalpur or in the court where the case is pending for disposal so that the trial must be concluded within six months.

If the witnesses are not produced on each and every date, the trial court is directed to report the matter to this court for necessary action.

Let a copy of this order be communicated to the learned 3rd Additional Sessions Judge-Bhagalpur as well as Senior Superintendent of Police, Bhagalpur for information and needful.

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

(Prabhat Kumar Jha, J)

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