

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38965 of 2016

Arising Out of PS.Case No. -54 Year- 2012 Thana -MANSURCHAK District- BEGUSARAI

=====

1. Bambam Choudhary Son of Baijnath Choudhary @ Baiju Choudhary
Resident of Village - Fatiha, P.S. - Bachhawara, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 21-11-2016

Heard both sides.

The petitioner seeks bail in Mansoorchak P.S. case No. 54 of 2012, corresponding to Sessions Trial No. 403 of 2016, under Section 302 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The prayer of petitioner for bail was earlier rejected by this court vide order dated 20.01.2015 passed in Cr. Misc. No. 35217 of 2014.

Sri Ajay Kumar Thakur, the learned counsel for the petitioner, submits that omnibus and general allegation of firing is made in which two persons were killed but the informant further disclosed that three persons namely, Sandip Choudyary, Ramod Kunwar and Rajeev Choudhary made indiscriminate firing.

It appears that there is allegation that petitioner also made firing on the vehicle in which two persons, namely, Arbind Choudhary and Jagjit Jha were killed.

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

The petitioner is in jail for last three years and two months but not even a single witness has been examined as yet. Even the charges having not been framed.

The learned Additional Sessions Judge-VI, Begusarai, who is in seisin of Sessions Trial No. 403 of 2016, is directed to hold the trial on day to day basis and conclude the same within one year from the date of framing of charge.

The Superintendent of Police, Begusarai is directed to ensure the attendance of prosecution witnesses of Mansoorchak P.S. case No. 54 of 2012, corresponding to Sessions Trial No. 403 of 2016, in the court of learned 6th Additional Sessions Judge, Begusarai so that the trial must be concluded within one year from the date of framing of charge.

Let a copy of this order be sent to learned Trial Court as well as Superintendent of Police, Begusarai for information and needful.

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

(Prabhat Kumar Jha, J)

BKS/-

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