

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31710 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -GOPALPUR District- BHAGALPUR

Sumit Yadav Son of Karelal Yadav Resident of village + P.O.- Chapar,
Police Station- Rangra (Gopalpur), District- Bhagalpur.... Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate.

For the Opposite Party/s : Mr. Anant Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 25-11-2016

Heard both sides

The petitioners seek bail in S. Tr. No. 577/2015 arising out of Gopalpur (Rangra) P.S. Case No. 132 of 2015 registered under Sections 302, 20(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Four persons including the petitioner are alleged to have made indiscriminate firing causing the death of the deceased on the spot. The prayer for bail of the petitioner was earlier rejected vide order passed in Cr. Misc. No. 49873 of 2015. It is submitted that only 3 shots were caused on the person of the deceased although four persons were alleged to have fired.

Be that as it may, the petitioner has got criminal antecedents and he is alleged to have fired causing the death of the deceased on the spot, I am not inclined to grant bail to the petitioner. Accordingly, the same is rejected.

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 / production of this order.

The Superintendent of Police, Naugachia (Bhagalpur) is directed to ensure attendance of the non-examined prosecution witnesses in S. Tr. No. 577/2015 arising out of Gopalpur (Rangra) P.S. Case No. 132 of 2015, pending in the court of the learned Additional Sessions Judge I, Naugachia, District Bhagalpur / concerned court so that the trial must be concluded within nine months.

From perusal of the report sent by Sri Sujit Kumar Singh, In-charge 1st Additional District & Sessions Judge, Naugachia (Bhagalpur), it appears that the court of 1st Additional District & Sessions Judge, Naugachia (Bhagalpur) is vacant. The District and Sessions Judge is directed to transfer the case to a running court so that the trial must be concluded within the stipulated time.

Let a copy of this order be sent to the learned 1st Additional District and Sessions Judge, Naugachia and the Superintendent of Police, Naugachia (Bhagalpur) for information and needful.

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(Prabhat Kumar Jha, J)