

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22325 of 2016

Arising Out of PS.Case No. -351 Year- 2014 Thana -GANDHIMAIDAN District- PATNA

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Md. Salim Usman Gani Sayyaed @ Yash Vardhan @ Md. Salim, Son of Sayad Usman Ganni, resident of Nala Supara, Plot no.-404, Sai Sadan, Sai Bazar Tulij Road East, Police Station- Nala Supara (West), District- Thane (Maharashtra).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Branch Manager, Corporation Bank, Chennai Plaza, Complex-'B', Near Nalanda Medical College, Kankarbagh, Main Road, Patna- 800026

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.

For the Opposite Party/s : Mr. U.S.P. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 09-11-2016 Heard both sides.

The petitioner seeks bail in Gandhi Maidan P.S. Case No. 351/2014, registered for the offences punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

The allegation against the petitioner is that he along with other accused persons withdrew Rs. 9,40,000/- by fake cheque from the account of the informant.

Mr. N. K. Agrawal learned senior counsel for the petitioner submits that the prayer for bail of the petitioner was

earlier rejected vide order dated 17.09.2015 with a direction to the trial court to hold trial on day-to-day basis and conclude the same within six months from the date of receipt of this order, but even more than one year has been lapsed and only two witnesses have been examined. It appears that petitioner has got criminal antecedent and he is accused in many cases of similar nature.

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

From perusal of the report and the order dated 17.09.2015 passed in Cr. Misc. 22639/15 it appears that the trial court did not follow the order of this court nor hold trial on day-to-day basis till date only two witnesses have been examined. The trial court is directed to hold trial on day-to-day basis from the date of receipt of copy of this order and conclude the same within two months.

The Sr. Superintendent of Police, Patna is directed to ensure the presence of all the non-examined prosecution witnesses of Gandhi Maidan P.S. Case no. 351/14 in the court, so that the trial must be concluded within two months from today.

Let a copy of this order be communicated to Mr. Ajit Kumar Mishra Additional Chief Judicial Magistrate, Patna as well as to the Sr. Superintendent of Police, Patna for information and

needful.

If the trial is not concluded within two months from today the petitioner may renew the prayer for bail.

(Prabhat Kumar Jha, J.)

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