

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11233 of 2017

Arising Out of PS.Case No. -12 Year- 2004 Thana -GHOSI District- JEHANABAD

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1. Vijay Kewat, S/o Nanhki Kewat, r/o Village- Kanhaiya Bigha, P.S.-
Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 04-04-2017 The petitioner is in custody since 14.09.2016 in connection with Ghosi P.S. Case No. 12 of 2004, Sessions Trial No. 535/16, 212/16 registered for offences punishable under Sections 307/149 Indian Penal Code.

It has been submitted on behalf of the petitioner that though there is allegation of fire against the petitioner on the knee of the informant, however, in the trial of other co-accused persons, no such evidence has come rather it has come that petitioner was only present at the place of occurrence. Further charges were framed against the petitioner only under Section 307/149 and not under Section 27 of Arms Act. It has further been submitted that though the petitioner was declared absconder but earlier he could not appear as there was no allegation of overt act against him and



as no process were issued against him. Petitioner has himself surrendered on 14.09.2016 and since then he has been languishing in judicial custody and now the charges have already been framed in this case and the case is pending for evidence.

Heard learned A.P.P. also.

Having heard both sides, in view of conduct of petitioner that the case is of year 2005 and petitioner has surrendered in the year 2016, and due to non appearance of the petitioner, his trial was separated from other accused persons, as such, I am not inclined to grant the petitioner, the privilege of regular bail, it is accordingly rejected.

However, the trial court is directed to expedite the trial and try to conclude it within a period of six months and if the trial is not concluded within the aforesaid period, the petitioner will be at liberty to renew his prayer for bail in the court below itself and if any such application is filed, the same will be considered by the court below on the merit of the case, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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