

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5507 of 2017

Arising Out of PS.Case No. -228 Year- 2013 Thana -KATEYA District- GOPALGANJ

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Haribansh Singh, Son of Nathuni Singh, Resident of Village- Niyamat Guriyanw, P.S.- Kateya, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rama Kant Sharma, Sr. Advocate and
Mr. Lakshmi Kant Sharma, Advocate.

For the Opposite Party : Smt. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 31.03.2016 in connection with Sessions Trial No. 794 of 2016, arising out of Kateya P.S. Case No. 228 of 2013 for the offences instituted under Sections 147, 148, 149, 341 and 302 of the IPC and 27 of the Arms Act.

The prosecution case, in short, is that on 18.12.2013, the informant alongwith his father and cousin Satendra Kumar Singh had gone to Gopalganj for consulting with an Advocate regarding registration of land and after meeting they came from there to his village by bus. When the bus reached at *Jaisauli Braham Asthan*



then nine persons sitting on three motorcycles, interrupted the bus. Out of whom, six persons entered into the bus, who were identified by the informant and his cousin and they were Haribansh Singh, Bachcha Singh, Motilal Singh, Chhotelal Singh, Hare Ram Singh and one was not identified by them. Haribansh Singh and Hareram were armed with country made pistol and Bachcha Singh and Motilal Singh were armed with knife and Chhotelal Singh was armed with pistol. Chhotelal Singh started pressing neck of the informant's father then the informant and his cousin raised alarm thereafter the unknown associates pointed out the pistol upon them and asked them to sit. In the meantime, Haribansh Singh fired from his pistol upon the informant's father head and thereafter Bachcha Singh and Motilal Singh assaulted him by knife. Thereafter, all the miscreants got down from the bus hurling threats not to raise hulla and thereafter they fled away towards the village-Simra.

The earlier bail application of the petitioner was rejected vide Cr. Misc. No. 20027 of 2016 with a direction to the court below to take all necessary steps to expedite the trial.

A report was called for from the court below regarding the stage of the case. It has been reported that 27.02.2017 is the date fixed for framing of charge and the trial is expected to be



concluded within a period of six months if both the parties co-operate the court.

It has been submitted on behalf of learned counsel for the petitioner that the petitioner is in custody since 31.03.2016. There is no allegation of tampering with the evidence against the petitioner. He has been made accused in the present case due to mistake of fact.

On behalf of the State, it has been submitted that the petitioner is the main assailant causing death of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Sessions Trial No. 794 of 2016, arising out of Kateya P.S. Case No. 228 of 2013, pending in the court of the learned IIIrd Additional District & Sessions Judge, Gopalganj.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of seven months from the date of receipt/production of copy of the order.

The District Magistrate, Gopalganj and the Superintendent of Police, Gopalganj are also directed to take all necessary steps to produce the prosecution witnesses on the date fixed by the court below so that the trial could be concluded within the stipulated period.



Let a copy of this order be communicated to the
District Magistrate, Gopalganj and the Superintendent of Police,
Gopalganj.

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(Sudhir Singh, J)

