

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13224 of 2017

Arising Out of PS.Case No. -183 Year- 1996 Thana -BRAHMPUR District- BUXAR

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Gupteshwar Pandey, Son of Late Kailash Pandey, resident of Village-
Nainijore, Police Station- Brahmpur (Nainijore), District- Buxar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay

For the Opposite Party/s : Mr. Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-03-2017 Heard the parties.

This application is for grant of bail in connection with Sessions Trial No.20 of 2017 (arising out of Brahmpur (Nainijore) P.S.Case No.183 o 1996) for the offence under Sections 147, 148, 149, 307 & 302 of the Indian Penal Code.

It is submitted on behalf of the petitioner that there is general and omnibus allegation against the petitioner. In the year, 1996, the charge-sheet had been submitted against the other accused persons but not against this petitioner. His case was referred to the C.I.D. and the C.I.D. submitted charge-sheet on 13.09.2013 against this petitioner and thereafter, this petitioner moved for anticipatory bail, which was dismissed by this Court, vide order dated 04.03.2014 passed in Cr. Misc. No.48932 of 2013



and the petitioner surrendered in this case on 10th January, 2017. It is also submitted that the petitioner is a aged person, as such he could not surrender just after dismissal of the bail application. Further submission of the learned counsel for the petitioner is that so far this petitioner is concerned, his case has been separated from the case of the other co-accused persons and the trial is going on. So far other co-accused is concerned, two witnesses have been examined in Sessions Trial No.170 of 2016.

Heard learned A.P.P. also.

Having heard both sides and considering the facts as stated above, at this stage, I am not inclined to grant bail to the petitioner at this stage, however, the learned trial court is directed to frame charge against the petitioner as soon as possible preferably within a period of one month and only two witnesses have been examined in Sessions Trial No.170 of 2016, as such the learned trial court will take steps for amalgamation of the trial so that the trial of the petitioner along with the other accused persons may be expedited and further once the charge is framed in this case and the case is amalgamated with the original trial, the petitioner is at liberty to move for bail before the court concerned, who will pass appropriate order considering the fact that there is general and omnibus allegation against the petitioner and the petitioner is aged



about 65 years old.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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