

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16318 of 2016

Arising Out of PS.Case No. -70 Year- 2014 Thana -RAJAUJI District- NAWADA

=====

Dwarika Ram, Son of Late Bishwar Ram, resident of village- Rajauli, P.S.-
Rajauli, District- Nawada

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Nawada
2. Ajay Kumar, son of Late Ishwar Prasad, resident of village- Rajauli, P.S.-
Rajauli, District- Nawada

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Dr. Nandan, Advocate
Mr. Jitendra Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 30-11-2017

This application under Section 482 of the Code of Criminal Procedure (for short 'Cr. P.C.') has been filed by the petitioner for a direction to the opposite party no.2 to co-operate in the trial of Sessions Trial No.304 of 2014/512 of 2014.

2. It is submitted by the learned counsel for the petitioner that the petitioner is informant of Rajauli P.S. Case No.70 of 2014 registered under Sections 302 and 307 read with 34 of the Indian Penal Code in which the opposite party no.2 Ajay Kumar has



been made a named accused. He submitted that said Ajay Kumar was taken into custody in connection with the aforesaid case and was released on bail by this Court vide order dated 22.09.2014 passed in Cr. Misc. No.31029 of 2014 on the ground that he is father of co-accused Kanak Kumar, who is alleged to have opened fire causing death of one Mukesh Kumar and serious injury to one Manoj Kumar. He submitted that after being released on bail, the opposite party no.2 is deliberately delaying the trial and, thus, a direction is needed to be issued against him for his co-operation in the trial.

3. I have heard learned counsel for the petitioner and perused the record.

4. It would be manifest from the record that the opposite party no.2 is not an absconder. He has been granted bail by this Court. There is no allegation that he has misused the privilege of bail warranting cancellation of his bail. It would further be manifest from the record that the opposite party no.2 being named as an order giver in the first information report had preferred application under Section 227 of the Cr.P.C. for his discharge by the trial court and after the dismissal of the said application, he is regularly attending the proceeding of the case either in person or through his lawyer.

5. As the matter is pending before the trial court, in



the opinion of this Court, no direction as desired by the petitioner can be issued by this Court in exercise of its power under Section 482 of the Cr. P.C.

6. The application is misconceived. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.12.2017
Transmission Date	04.12.2017

