

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9215 of 2017

Arising Out of PS.Case No. -218 Year- 2016 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Aftab Alam @ Aftab Mian @ Aftab Ali, son of Late Ayub Ansari, resident
of village Chanpatiya, P.S. Chanpatiya, District West Champaran, at present
resident of Ranjit Nagar, P.S. Patel Nagar, District Central Delhi (Delhi)
..... Petitioner

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar Sinha with Mr.A.N.
Verma, Advocates

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

10 21-06-2017

This application should be placed under the heading
'For Admission' but it has wrongly been placed under the heading
'For Orders', as such, this application is being disposed of at this
stage.

Heard learned counsel for the petitioner and learned
APP for the State.

New set of vakalatnama has been filed with no
objection from Mr. Vinod Kumar Sinha, Advocate.

In this case earlier petitioner was granted bail by this
Court vide order dated 28.2.2017. However, just after that it was
informed at the Bar that earlier petitioner has filed bail application
along with other accused persons, which was pending. In such
view of the matter, an enquiry was conducted as per direction of



this Court by the Registrar General, who has submitted report finding prima facie both the petitioner and deponent guilty. Thereafter bail order dated 28.2.2017 was recalled vide order dated 20.4.2017 and petitioner was directed to surrender before the court below and pursuant to that petitioner has surrendered on 24.4.2017 and since then he is in custody. It further appears that an FIR was directed to be lodged against the petitioner as well as against the deponent for swearing false affidavit and suppression of fact before this Court.

It has been submitted on behalf of the petitioner that petitioner has executed vakalatnama along with other accused persons but the application was filed earlier to the present one and the petitioner has informed the Advocate about the same and there is no intentional laches on the part of the petitioner. It has further been submitted that as per direction of this Court petitioner has surrendered and if petitioner is granted bail he will abide by any condition that may be imposed by this Court.

In view of the fact that on enquiry it was prima facie found the petitioner and deponent guilty for swearing false affidavit and suppression of fact before this Court and FIR was directed to be lodged against the petitioner, as such, I am not inclined to grant bail to the petitioner at this stage.



However, as submitted, charge-sheet in this case has already been submitted, learned trial court is directed to expedite the trial and try to conclude the same within a period of three months on day-to-day basis and at the same time Superintendent of Police, East Champaran, is also directed to ensure that witnesses are present in court on the date fixed so as to conclude the trial within the time specified. If trial is not concluded within the period specified, petitioner may renew his prayer for bail.

With the above observations, this application is disposed of.

(Vinod Kumar Sinha, J)

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