

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38835 of 2017

Arising Out of PS.Case No. -96 Year- 2013 Thana -GUTHNI District- SIWAN

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Amarjeet Kushwaha Son of Late Muneshwar Kushwaha , R/o Village-
Khalwa , P.S.- Nauthan, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Adv.
Mr. Jagjit Roshan, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 04-10-2017 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 302 and other allied
sections of the Indian Penal Code and Section 27 of the Arms
Act.

Petitioner happens to be assailant and specifically
named in the F.I.R. Petitioner does have criminal antecedent of
several cases and earlier his prayer for bail was rejected by this



court taking note of the aforesaid facts but again bail is sought on behalf of the petitioner on the ground that having similar allegation co-accused have already been granted privilege of bail by another Bench of this court and apart from the aforesaid circumstance, it is also brought to the notice of this court that petitioner is in jail custody since 12.10.2015 but up till now even charge could not be framed against him.

The trial court has reported that petitioner was shifted to Saheed Jubba Sahni Central Jail, Bhagalpur for six months and that was the reason charge could not be framed against him. The trial court further reported that vide order dated 26.10.2016 passed in Cr. Misc. No. 38835 of 2016 this court directed the trial court for speedy trial of the petitioner and after that petitioner was produced before the trial court on 10.07.2017 but one of the co-accused, namely, Bishram Manjhi filed discharge petition which was rejected vide order dated 08.08.2017 against which the aforesaid co-accused filed Cr. Misc. No. 67900 of 2017 before this court which is still pending and that was the reason the trial of the petitioner could not be expedited.

Considering the aforesaid facts and circumstances



as well as submissions of the parties, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Sessions Trial No. 71 of 2017 arising out of Guthani P.S. Case No. 96 of 2013 pending in the court of Additional Sessions Judge-III, Siwan is again rejected.

However, learned trial court is directed to expedite the trial of the petitioner and try to conclude the same as early as possible, preferably within nine months from the date of receipt/production of copy of this order even by separating the trial of the petitioner from the case of other accused and taking the same on day to day basis.

Since learned counsel of informant is present before this court and this order is being passed in his presence, this court shall presume that the informant shall produce his witnesses before the trial court in time as per direction of the concerned trial court.

Let a copy of this order be sent to Superintendent of Police, Siwan with direction to him to ensure the presence of prosecution witnesses of aforesaid case before the trial court whenever their presence is required by the concerned court.

It is made clear that any failure on the part of police



or prosecution shall be viewed seriously by this court. It is also made clear that if the trial of the petitioner is not concluded within the above stated period of nine months due to laches and fault of the prosecution, the petitioner may renew his prayer for bail before the learned trial court itself.

(Hemant Kumar Srivastava, J)

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