

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41057 of 2017

Arising Out of PS.Case No. -576 Year- 2015 Thana -NAUBATPUR District- PATNA

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1. Banti @ Banti Kumar, Son of Rabindra Singh, Resident of Village-
Chechaul, P.S.- Naubatpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Azad

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 01-11-2017 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner and one Gautam is said to have opened fire upon the deceased and taking note of the aforesaid fact, this Court had rejected the prayer for bail of the petitioner vide order dated 01.12.2016 passed in Cr. Misc. No. 38729 of 2016 though co-accused Gautam had already been granted privilege of bail by the court below itself.

Learned counsel appearing for the petitioner seeks bail of the petitioner on the ground of his long custody as well as stage of trial and also on the ground that in course of investigation, the other co-accused were arrested and they confessed that other person had committed the murder of the deceased and so far as petitioner is concerned, they only stated that petitioner had played



the role of liner.

The trial court has reported vide its letter no. 282 dated 30.10.2017 that due to non appearance of co-accused, the case could not be committed to the court of session.

Considering the aforesaid facts and circumstances as well as submission of the parties, again, I am not inclined to release the petitioner on bail and, hence, his prayer for bail in connection with Naubatpur P.S.Case No. 576 of 2015, pending in the court of learned Additional Chief Judicial Magistrate-II, Danapur, Patna stands rejected.

However, the learned Additional Chief Judicial Magistrate-II, Danapur is directed to commit the case of the petitioner to the court of session within two weeks from the date of receipt/ production of a copy of this order without waiting for appearance of other co-accused even by separating the case of petitioner from the case of other co-accused. It is also made clear that after commitment the session court shall commence the trial of the petitioner without any delay and shall take steps to conclude the trial of the petitioner within six months from the date of framing of charge.

(Hemant Kumar Srivastava, J)

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