

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 32310 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -BISFI (PATAUNA) District- MADHUBANI

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Yaswant Jha, Son of Late Mahendra Jha, Resident of Village- Belaunja, Police
Station- Bisfi (Patauna), District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Shahnawaz Ali, Advocate Mr. Shambhoo Kumar 'Suman', Advocate
For the State	:	Mr. Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 15-03-2017

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in Bisfi (Patauna) P.S.

Case No. 72 of 2016 dated 02.05.2016 instituted under Sections
147/149/323/341/171(F)/332/353/384/387/504 and 506 of the Indian
Penal Code.

This is the second attempt of the petitioner for bail
as earlier such prayer was rejected by order dated 14.06.2016 passed
in Cr. Misc. No. 25177 of 2016, by which the Court below was
directed to expedite the trial and conclude the same within six
months.

Learned counsel for the petitioner submitted that it
is not a heinous crime and further that none of his family members



has taken part in the election so as to compel him to do the act which is alleged. Learned counsel has drawn the attention of the Court to order dated 20.06.2016 passed in Cr. Misc. No. 25422 of 2016 by which two accused persons have been granted bail by a co-ordinate Bench of this Court.

Learned A.P.P. submitted that the petitioner has been identified as one of the culprits.

After hearing the submissions of learned counsel for the parties, this Court does not find any mitigating circumstances, subsequent to the order dated 14.06.2016, to justify and reconsider the prayer for grant of bail to the petitioner. The fact that bail has been granted to co-accused is not of much consequence, for the reason, that prior to the order dated 20.06.2016 granting them bail, this Court by order dated 14.06.2016, had rejected the prayer of the petitioner for bail. Thus, it was the duty of learned counsel appearing before the coordinate Bench to fairly and honestly assist the Court by disclosing the fact that the present petitioner's prayer for bail had been rejected by this Court. This not having been done, no benefit can be taken of such order by the petitioner herein.

Having regard to the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail. Accordingly, the application stands dismissed.



In view of the fact that earlier time was fixed to conclude the trial, the same has not been done, the Court directs that the trial be concluded positively by 31st August, 2017. Non compliance of the order may persuade this Court to take a strict view.

Registry shall communicate the order to the Court below through Fax also latest by day after tomorrow.

(Ahsanuddin Amanullah, J.)

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