

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49738 of 2016

Arising Out of PS.Case No. -33 Year- 2016 Thana -TATARPUR District- BHAGALPUR

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Md. Sahjahan @ Pasa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 30-01-2017 Heard the parties.

This application has been filed in connection with Tatarpur P.S.Case No.33/2016 for the offence under Sections 399, 402 of the Indian Penal Code and 25(1-b)a, 26, 35 of the Arms Act.

It is submitted on behalf of the petitioner that the allegation against the petitioner is that one country-made Pistol and one cartridge were recovered from the possession of the petitioner, however, the petitioner is in custody for about nine months and he has been falsely implicated in this case.

Heard learned A.P.P. also, who has opposed the prayer for bail, stating that two more cases are against this petitioner.

Having heard both sides. From perusal of the record, it appears that a report was called for from the learned court



below, which has been received, showing that a case has already been committed to the court of sessions. In the Arms Act, usually witnesses are official witnesses, as such the learned court below is directed to conduct trial of the petitioner on day to day basis and try to dispose of the trial within a period of six months and the Sr. S.P., Bhagalpur is directed to produce all the witnesses on day-to-day basis.

The petitioner is directed to co-operate with the trial. If the trial is not concluded within a period of six months, the petitioner is at liberty to move for bail.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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