

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53837 of 2016

Arising Out of PS.Case No. -31 Year- 2007 Thana -PAUTHU District- AURANGABAD

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Narayan Sharma @ Narayan Singh, Son of Raghunandan Singh, Resident
of Village-Itwan, P.S. Pauthu District-Aurangabad

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shailesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Shailendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 17-05-2017 Heard both sides.

The petitioner seeks bail in Pauthu P.S. Case No. 31 of 2007, corresponding to Sessions Trial No. 317/09/19/16 registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The prayer for bail of the petitioner was earlier rejected vide order dated 04.09.2015 passed in Cr. Misc. No. 16236 of 2015, with a direction to the trial court to conclude the trial within one year from the date of receipt/production of copy of this order. The Superintendent of Police, Aurangabad was also directed to ensure the attendance of all the prosecution witnesses, so that the trial must be concluded within one year. The petitioner again filed this petition for grant of bail as the trial could not be concluded



within one year from the date of receipt of this order.

Learned counsel for the petitioner submits that other accused persons namely Shambhu Singh @ Shambhu Sharma, Ravindra Paswan, Srikant Pandey and others have been granted bail.

A report was called for from the trial court as well as the Superintendent of Police, Aurangabad as to why the trial of the case has not been concluded. The trial court reported that three witnesses were examined. The last witness was examined on 03.05.2016 thereafter, the prosecution did not produce any witnesses. The trial court issued non-bailable warrant of arrest against the witnesses but, that too remain unexecuted. The Superintendent of Police, Aurangabad also submits report and on perusal of the report, I find that the same is absolutely unsatisfactory. The Superintendent of Police, Aurangabad is present in Court and stated that he joined at Aurangabad in the month of September, 2016 but even thereafter he has not been able to produce any single witness. It appears that on account of lackadaisical attitude of the prosecution, the trial has not been concluded. The Superintendent of Police, Aurangabad has stated in Court that he shall make all efforts to conclude the trial within three months from the next date fixed in the case. It appears that



the petitioner is alleged to have made indiscriminate firing and he was absconding for more than seven years, even the informant of the present case was killed.

Considering the facts aforesaid that the case relates to double murder, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

In view of the undertaking made by the Superintendent of Police, Aurangabad, the trial court is directed to hold the trial on day-to-day basis from the next date and conclude the same within four months from the date of receipt of this order. The Superintendent of Police, Aurangabad is directed to produce all the witnesses on the date fixed for evidence till examination of all the witnesses is concluded.

Let a copy of this order be sent to the learned Additional Sessions Judge, Aurangabad for information and needful.

If the trial is not concluded, the petitioner may renew his prayer for bail after four months.

(Prabhat Kumar Jha, J.)

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