IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15328 of 2017

Arising Out of PS.Case No. -25 Year- 2001 Thana -AGHORA District- BHABHUA (KAIMUR)

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1. Ram Surat Ram, Son of Late Bishwanath Ram,
2. Uma Ram , Son of Late Shrinath Ram, Both Resident of Village- Vinoba Nagar, P.S.- Adhoura, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 29-03-2017 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The petitioners seek bail in connection with Adhoura P.S.Case No.25 of 2001, Tr.No.557 of 2016 registered under Sections 147, 148, 149, 302, 307, 323, 324, 325, 326, 333, 338,427, 379 of the I.P.C., 27 of the Arms Act, ¾ of Explosive Substance Act and 17 of C.L.A. Act.

It is a case of misuse of privilege of bail by the petitioners who were earlier granted bail by this Court vide order dated 09.02.2004 passed in Cr.Misc. No.31178 of 2003, but their bail bonds were cancelled on 02.07.2009 and thereafter petitioner no.1 was arrested by the police on 20.12.2016 and petitioner no.2 surrendered on the same day.

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Learned counsel for the petitioners submits that the petitioners will be physically present on each and every date of the trial and so cooperate in the trial. Moreover another co-accused was granted bail by the trial court itself earlier on the ground of old age.

However, it is a long misuse of privilege of bail for more than six years. Petitioner no.1 was apprehended by the police and then produced in this case. So, at this stage, prayer for bail of the petitioners is rejected with direction to the trial court to expedite the trial as nine witnesses have already been examined and only three witnesses remain to be examined.

The trial court is further directed to conclude the trial preferably within a period of six months, if the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail. Let a copy of the order be sent to S.P.,Kaimur also in order to produce witnesses on date fixed by the trial court.

(Arun Kumar, J)

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