

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50112 of 2016

Arising Out of PS.Case No. -392 Year- 2014 Thana -AURANGABAD TOWN District-
AURANGABAD

=====

Devesh Singh @ Dhandhan Singh, S/o Sri Bharat Singh, resident of Village
- Renu Bigha, P.S. - Muffasil (Aurangabad), District - Aurangabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Umeshanand Pandit, Advocate.

For the Opposite Party : Mr. Nirmal Kumar Sinha, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 29-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 02.02.2015
in connection with Aurangabad Town P.S. Case No. 392 of 2014
for the offences instituted under Sections 302, 120(B) of the IPC
and 27 of the Arms Act.

The prosecution story, in brief, is that the informant's
elder brother, namely, Raju Gupta(deceased) had cordial relation
with Siyaram Singh of New Area. On 18.12.2014 at about 10.00
P.M. Ranju Devi the daughter of Siyaram Singh called him on
Mobile saying that she had some urgent work. Raju Gupta left his
house on bike saying that he will return soon. When Raju Gupta



did not return within expected time, then family members tried to contact on mobile which was not responded. Again, the daughter of Raju Gupta phoned. Then one Sunil took respond and told that some incident has taken place with Raju Gupta. When the informant and others went there, Sunil and Murari Prasad brought Raju Gupta to local Sadar Hospital where he was declared dead. He had sustained fire arm injuries on his chest, stomach and nose. When the informant went to the place of occurrence he found Raju's Motorcycle lying there. He suspected that Raju Gupta was shot dead while he was going to Siyaram Singh. The blood was scattered on the ground also. The people of vicinity arrived there but no one reached from the house of Siyaram Singh. Even when the informant tried to get his door opened, then Siyaram Singh did not open even his door.

The earlier bail application of the petitioner was rejected vide Cr. Misc. No. 39610 of 2015 dated 13.10.2015 taking into account that the number of prosecution witnesses in paragraph nos. 32, 37, 43, 136, 145 and 254 of the case diary have supported the prosecution case. The petitioner has got as many as 23 cases pending against him. The trial court was directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of receipt/production of copy of the order.



A report has been called for from the court below. The report is as follows:

“From perusal of the order sheet of the record, it shows that on 04.02.2016 all the accused persons were present but a petition was filed on behalf of accused Subhash Singh U/S-227 Cr. P.C. to discharge him from this case so, the charge could not be framed by filing of the petition and as yet none turned up on behalf of accused Subhash Singh to press his petition U/S-227 Cr. P.C. The order sheet further goes to show that vide order dated 02.04.2016 of this court further proceeding in connection with Aurangabad Town PS Case No. 392/2014 pending in the court has been stayed by Hon’ble Court vide order dated 11.03.2016 passed in Cr. Misc. No. 22828/15 and that is why the charge could not be framed till now.”

It seems that the accused have adopted delaying tactics.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Aurangabad Town P.S. Case No. 392 of 2014, arising out of Sessions Trial No. 139 of 2015/07 of 2015, pending in the court of learned 1st Additional Sessions Judge, Aurangabad.

The learned court below is further directed to ensure that the trial is concluded preferably within a period of nine months from the date of receipt/production of copy of this order.

The District Magistrate, Aurangabad and the



Superintendent of Police, Aurangabad, are directed to ensure that the prosecution witnesses are produced on the date fixed by the trial court so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Aurangabad and the Superintendent of Police, Aurangabad.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

