

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30803 of 2017

Arising Out of PS.Case No. -126 Year- 2012 Thana -NARPATGANJ District- ARRARIA

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1. MD. DILSAD @ DILSAD Son of Aziz, Resident of Village- Bairiya,
P.S.- Narpatganj, District- Araria Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Kundan Kumar Singh, Adv.

For the Opposite Party : Mr. Nagendra Prasad, APP 169

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 20-09-2017

Heard both sides.

The petitioner seeks bail in Narpatganj P.S. Case No. 126 of 2012 (Sessions Trial No. 297 of 2015) registered under Sections 302, 307 and other sections of the Indian Penal Code and 27 of the Arms Act.

The learned counsel for the petitioner submits that the prayer for bail of the petitioner was earlier rejected vide order, dated 30.03.2015, passed in Cr. Misc. No. 42380 of 2014 and order, dated 27.04.2016, passed in Cr. Misc. No. 54624 of 2015 with a direction to the trial Court to expedite and conclude the trial, but, it is submitted that only one witness has been examined till date and there is no chance of conclusion of the trial in near future.

It appears, from the perusal of the report of the trial Judge that the learned trial Judge has taken very casual approach in expediting the trial and within two years only one witness has been examined.

Since, there is very specific allegation that the petitioner fired which hit on the head of the sister of the informant and the sister of the informant died on the spot and the petitioner



has got criminal antecedent and the petitioner is accused in Narpatganj P.S. Case No. 348 of 2013 registered under Sections 302 of the Indian Penal Code and 27 of the Arms Act, I am not inclined to grant bail to the petitioner.

The prayer for bail is **rejected**.

The trial Court is directed to hold the trial on day-to-day basis and conclude the same within nine months from the date of receipt of a copy of this order. The Superintendent of Police, Araria, is directed to ensure the attendance of non-examined prosecution witness of Narpatganj P.S. Case No. 126 of 2012 (Sessions Trial No. 297 of 2015) so that the trial must be concluded within nine months.

If the trial is not concluded within the stipulated time, then, the petitioner may renew his prayer for bail.

Let a copy of this order be sent to the learned trial Judge and the Superintendent of Police, Araria, for information and needful.

(Prabhat Kumar Jha, J)

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