

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32439 of 2017

Arising Out of PS.Case No. -367 Year- 2015 Thana -KADAMKUAN District- PATNA

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Anjum Md. Iqbal, Son of Md. Naseem, Resident of Harnaha Tola Lazmi
Cold Storage Lodi Katra, P.S.- Chowk, Patna City, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shivendra Prasad, Advocate.

For the Opposite Party : Mr. Amrendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-09-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
19.08.2015 in a case registered for the offence under Sections 302,
120(B)/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that Avinash
Kumar, the brother of the informant, as soon as reached near
Hanuman Temple at Daldali Road, the FIR named accused
persons and 7-8 unknown persons surrounded him and thereafter
shot him dead as in the election of Ward Councillor, co-accused
Jyoti Gupta was a candidate and the wife of the deceased was also
a candidate but both were defeated and since then the accused
persons were causing threats.



Earlier the bail application of the petitioner was rejected vide Cr. Misc. No. 31893 of 2016 dated 22.09.2016 taking into account that the petitioner was main accused in the present case on the basis of footage of CCTV, which was placed at the place of occurrence. Three persons were seen making firing upon the deceased. The postmortem report also corroborates the allegations to that extent. Subsequently, when the said CCTV footage was put before the father of the petitioner, he identified the petitioner to be his son, who was there at the place of occurrence, firing upon the deceased. The aforesaid fact has come in paragraph no. 142 of the case diary.

A report was called for from the court below regarding the stage of the case. It has been reported that the case is pending for charge and the trial is expected to be concluded within a period of nine months with the support of the prosecution as well as defence.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 366 of 2017, arising out of Kadam Kuan P.S. Case No. 367 of 2015, pending in the court of learned Additional Sessions Judge-VIII, Patna.

The court below is directed to take all necessary steps



to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of this order.

The District Magistrate, Patna and the Senior Superintendent of Police, Patna, are also directed to ensure that the prosecution witnesses are produced in the court below on the date fixed by the court below so that the trial could be concluded within the stipulated period.

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

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(Sudhir Singh, J)

