

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2976 of 2017

Arising Out of PS.Case No. -30 Year- 2014 Thana -SAHAR District- BHOJPUR

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Ashok Rawani Son of Late Motilal, Resident of Village- Anuwa, Police
Station- Sahar, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar, Advocate

For the Opposite Party/s : Md. Sufiyan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 07-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Sahar P.S. Case No. 30 of 2014 corresponding to Sessions Trial No. 159 of 2016 instituted for the offence under Sections 364, 302, 201, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

It has been submitted that prayer for bail of the petitioner was twice rejected by this Court.

Report was called for from the court below wherein it has been mentioned that one of the accused namely, Kamlesh Sharma has absconded and, therefore, the trial could not be concluded. The Trial Court has mentioned in his report that process under Sections 82 and 83 Cr. P.C. have been issued against absconding accused and he will take up the trial on day-to-day basis and the same is expected to be concluded within a period of nine months.



This Court is not satisfied with the report of the court below as no serious effort has been made to conclude the trial in terms of order of Hon'ble Court passed in Cr. Misc. 41991 of 2015. The court below is directed to be careful in future to comply the order of the Hon'ble Court, failing which serious action will be taken.

From the written report it appears that there is specific allegation against petitioner.

In such circumstances, this Court is not inclined to grant bail to the petitioner at this stage.

Prayer for bail of the petitioner stands rejected.

The Trial Court is directed to proceed in the trial by fixing the case on day-to-day basis and make efforts to conclude the same as early as possible preferably within a period of nine months.

The petitioner is given liberty to renew his prayer for bail in the court below itself in the event the trial is not concluded within nine months and the court below in that case will give reason in the bail order for not concluding the trial within aforesaid period.

(Sanjay Priya, J)

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