

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39098 of 2015

Arising Out of PS.Case No. -87 Year- 2005 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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Ramadhar Das @ Adhar Das @ Das Ji Son of Late Anak Das, Resident of Village
- Mahmadda,P.S. - Patahi, District - East Champaran at Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar, Advocate
Mr. Manoranjan Kumar, Advocate
For the State : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 15-03-2017

Heard learned counsel for the parties.

The petitioner seeks bail in Madhuban P.S. Case No. 87 of
2005 dated 23.06.2005 instituted under Sections 396/307/436/453 of
the Indian Penal Code, 27 of the Arms Act, 1959, 3/4 of the Explosive
Substances Act and 17 of the Criminal Law (Amendment) Act.

This is the second attempt for bail of the petitioner as
earlier such prayer was rejected on 16.09.2014 in Cr. Misc. No. 19028
of 2014 with a direction to expedite the trial and conclude the same



within nine months. The same not having been done, the present application has been filed.

Earlier reports were called from the trial court which have been received. From the same, it inspires that the earlier order of the Court was for the first time brought to the notice of the Court on 23.01.2017 and thereafter trial of the petitioner has been separated and charge has been framed against him on 27.01.2017.

Learned counsel for the petitioner submitted that two accused have been granted bail by co-ordinate Benches of this Court. On query of the Court as to whether the order of rejection of the prayer for bail of the petitioner in the present case was brought to the notice of the other two co-ordinate Benches whose orders were subsequent to the order passed by this Court, the answer is in negative. Such being the position, the Court can only observe that the petitioner had to be fair and truthful to the Court by disclosing all facts, but if after suppressing the fact that the petitioner had been refused bail, the other co-accused get bail, such order cannot be of much help to the petitioner in the present case, in view of the discussions made hereinabove.

Coming to the merits of the case, this Court does not find any fresh ground to re-consider the prayer for bail. Only because of efflux of time, such indulgence cannot be granted, moreso, in the



background of what has been recorded earlier in the order dated 16.09.2014.

In view thereof, the application stands dismissed.

However, the Court below is directed to ensure that the trial is concluded by 30th September, 2017 positively, failing which the Court may be constrained to take judicial notice for non-compliance for the second time.

Registry shall communicate the order to the Court below through Fax also latest by tomorrow.

(Ahsanuddin Amanullah, J)

Anjani/-

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