

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35821 of 2016

Arising Out of PS.Case No. -131 Year- 2010 Thana -MAHESI District- EASTCHAMPARAN
(MOTIHARI)

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Pawan Kumar Upadhyay @ Sonu S/o - Awadh Kishore Upadhyay R/o
Village- Sulsabad, P.S.-Mehsi, District- East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Senior Advocate
Mr. Shankar Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

5 11-01-2017

Heard Mr. Jitendra Singh, learned Senior Counsel

for the petitioner and Mr. Arun Kumar, learned Additional
Public Prosecutor for the State.

The petitioner has renewed his application for bail
in connection with Sessions Trial No. 558 of 2011 arising out of
Mehsi P.S. Case No. 131 of 2010 registered under Sections 302,
324, 307 read with 34 of the Indian Penal Code and Section 27
of the Arms Act.

The application for bail of the petitioner was earlier
rejected by this Court vide order dated 21.08.2014 passed in Cr.
Misc. No. 44075 of 2013.

It is submitted by the learned Senior Counsel for
the petitioner that though the petitioner is in custody since 31st



January, 2013, even charges have not been framed till date.

A report was called for from the trial court which also corroborates the fact that till date charges have not been framed. The trial court has also submitted in its report that one of the co-accused is languishing in Sheohar Jail and, because of that, the charges have not been framed.

Considering the seriousness of the offence as also for the reasons assigned in my previous order dated 21.08.2014, I am not inclined to grant to the petitioner for the present. Accordingly, the application for bail is rejected.

In case the other co-accused person does not appear or is not brought before the court, as they are languishing in jail in another district, the trial court is directed to split up the case of the petitioner and proceed with the same on day-to-day basis.

In case the trial is not concluded within nine months from the date of framing of charge, the petitioner would be at liberty to renew his prayer for bail before the court below itself.

(Ashwani Kumar Singh, J.)

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