

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48909 of 2016

Arising Out of PS.Case No. -12 Year- 2015 Thana -DEORIYA District- MUZAFFARPUR

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Harendra Bhagat, soon of Late Nathu Bhagat, Resident of Village- Medan
Sirsiya, P.S.- Kalyanpur, District- East Champaran, at present R/o village-
Mohabbatpur, P.S.- Deoriya, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad
Mr. Raju Kumar

For the Opposite Party/s : Mr. Rajesh Kumar Verma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 02-03-2017 In order dated 27.02.2017, it seems that inadvertently, this case was adjourned to 15.03.2017, however, this case was passed over on that day, so on 27.02.2017 this case may be treated as passed over and the order dated 27.2.2017 is modified to the extent.

Heard the parties.

This application is for grant of bail in connection with Deoriya P.S.Case No.12 of 2015 for the offence under Sections 147, 148, 149, 302 and 120B of the Indian Penal Code read with Section 27 of the Arms Act and also Sections 10, 13, 16(B), 18, 19 and 20 of the Unlawful Activities Prevention Act.

It is submitted on behalf of the petitioner that due to land dispute, he has been implicated in this case. There is no specific allegation of firing against him and there is also no eye-witness of the occurrence. There is no specific allegation of assault against the petitioner and he is in custody for more than two years.



Heard learned A.P.P., who has opposed the prayer for bail, stating that the name of the petitioner also transpires in the F.I.R. itself and earlier the bail application of the petitioner was rejected by this Court, vide order dated 28.08.2015 passed in Cr. Misc. No.35664 of 2015.

Having heard both sides. In view of the fact that name of the petitioner transpires in the F.I.R. itself and it also shows that the petitioner along with others chased the deceased and fired on the deceased.

As such, I am not inclined to grant to the petitioner at this stage, however, considering the fact that the petitioner is in custody for more than two years, the learned trial court is directed to expedite the trial and try to conclude it within a period of one year and if possible, the learned court below may conduct the trial on day-to-day basis, in the meantime, the Sr.S.P., Muzaffarpur, is directed to produce witnesses in the court concerned on the date fixed by the learned court below so that the trial may be concluded within time, as specified by this Court.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

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