

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53242 of 2016

Arising Out of PS.Case No. -405 Year- 2012 Thana -KRITYANAND NAGAR District- PURNIA

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Md. Tahir, S/o Md. Jamiruddin, resident of village - Tola Begampur, P.S.
K. Nagar, Distt. - Purnea

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
with Mr. Pramod Kumar Mallick, Advocate

For the Opposite Party/s : Smt Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 19-07-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with K, Nagar P.S.Case No. 405 of 2012 registered for the offences punishable under Sections 302/34, 120B of the Indian Penal Code and 27 of the Arms Act.

From perusal of the record it appears that petitioner was earlier named in the FIR but police has not filed charge-sheet against him. However, he was summoned under Section 319 Cr.P.C. It further appears that from perusal of evidence of the witnesses that they have named this petitioner as the assailant.

It has been submitted on behalf of the petitioner that P.W.10 is informant but he is not an eye-witness to the occurrence and P.W.11 has made allegation against the petitioner and P.W.9



has stated about the petitioner of making firing and there is contradiction of evidence of P.W.9 and P.W.11 to each other and petitioner is in custody for nine months.

Heard learned APP also, who has opposed the prayer for bail.

Having heard both sides and considering the aforesaid facts and circumstances and also considering the fact that P.W.9 has named this petitioner as main assailant, I am not inclined to grant bail to the petitioner.

However, as the petitioner is in custody for last nine months, learned trial court is directed to expedite the trial of the petitioner and try to conclude the same as soon as possible by conducting trial on day to day basis, if possible.

With the above observation, this application is dismissed.

Let the lower court records be sent to the court below by special messenger forthwith.

(Vinod Kumar Sinha, J)

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