

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24297 of 2017

Arising Out of PS.Case No. -349 Year- 2014 Thana -MADHUBANI TOWN District-
MADHUBANI

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Abdullah, son of Sahabuddin, resident of Village- Kharra, P.S and District-
Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : M/S. Murari Narain Chaudhary, Mohit
Shrivastava & Vijay Kumar, Advocates

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 23-05-2017 Heard learned counsel for the petitioner and learned
APP for the State.

This is an application for bail in connection with
Sessions Trial No. 179 of 2017, arising out of Madhubani Town
P.S.Case No. 349 of 2014, G.R.No. 2371 of 2017, registered for
the offences punishable under Sections 147, 149, 323, 337, 338,
341, 427, 504, 307 of the Indian Penal Code and 27 of the Arms
Act.

From perusal of the record it appears that in this case
petitioner has moved this Court for grant of bail by filing
Cr.Misc.No. 15589 of 2017, which has been dismissed by this
Court vide order dated 17.4.2017 with the following observations:

“Considering the aforesaid aspect of the matter,



at present, I am not inclined to grant the petitioner, the privilege of regular bail, it is accordingly rejected.

However, learned Trial Court is directed to expedite the commitment proceedings of this petitioner and after commitment charges be framed expeditiously so that trial be expedited. Learned Trial Court shall also consider the amalgamation of trial of this petitioner with the trial of other accused persons and after amalgamation of the trial, petitioner may renew his prayer for bail.

With the above observation, this application is dismissed at this stage.”

However, it has been submitted on behalf of the petitioner that now in this case charge has been framed and the case could not be amalgamated as the court is vacant and further on technical ground as two witnesses have been examined in the original trial. To my opinion, there is no impediment of amalgamation of trial of this case along with original trial, as such, learned trial court is directed to consider the same so that repetition of deposition of witnesses is not made in future. It is made clear that now a day there is no concept of vacant court, rather the court, who has been made in-charge, has to perform all functions, including recording of evidence.

Considering this aspect of the matter, I direct the trial court to consider amalgamation of this case along with the original



record and proceed further in this case and it is also directed that once amalgamation has been made with the original record, the court below will release the petitioner to its satisfaction.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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