IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35932 of 2016

Arising Out of PS.Case No. -58 Year- 2014 Thana -CHANAN District- LAKHISARAI

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Bauelal Roy, S/o Sagar Roy, resident of village- Pipariya, P.S.- Pipariya, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate and M/S. Vinod Kumar and Anil Kumar, Advocates.

For the State : Mr. Ajit Kumar, A.P.P. 94.

For the Informant : Mr. Jai Prakash Singh and Mr. Anil Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

7 19-04-2017 Heard learned senior counsel for the petitioner and learned counsels for the informant and the State.

The petitioner is languishing in custody since 24.03.2015 in connection with Chanan P.S. Case No. 58 of 2014 for the offences instituted under Sections 302/34 of the I.P.C. and 25(1-b)a, 26, 27 and 35 of the Arms Act.

The prosecution story, in brief, is that the informant Ruhi Kumari, her dewar Vikash Kumar and her husband were going to the Railway Station for Patliputra Train, in the meantime, the accused/petitioner alongwith other accused persons surrounded Satish Kumar, husband of the informant. It is also alleged that the

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deceased Satish Kumar was taken away by the accused/petitioner and others towards the Railway Line. The accused/petitioner and others also fired at Satish Kumar husband of the informant. Satish Kumar sustained fire arm injuries and died on the spot.

Earlier bail application of the petitioner was rejected on 04.11.2015 vide Cr. Misc. No. 42121 of 2015 taking into account that a number of witnesses, in course of investigation, have supported the prosecution case and as many as nine injuries were found on the body of the deceased and the court below was directed to conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of the order.

A report was called for from the court below regarding the stage of the case. It has been reported that the charge has already been framed on 23.09.2016 but the prosecution has not produced any witness as yet. The prosecution has been directed to produce the witnesses on the date fixed. The court below has further sought for a period of six to seven months to conclude the trial.

On behalf of the learned counsel for the informant, it has been submitted that one prosecution witness has already been examined in the case.

Considering the aforesaid facts and circumstances and the

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fact that the trial has already proceeded, I am not inclined to grant bail to the petitioner at this stage. The same is rejected in Chanan P.S. Case No. 58 of 2014, pending in the court of the learned Chief Judicial Magistrate, Lakhisarai.

The District Magistrate, Lakhisarai and the Superintendent of Police, Lakhisarai, are directed to ensure that the prosecution witnesses are produced on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Lakhisarai and the Superintendent of Police, Lakhisarai.

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(Sudhir Singh, J)

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