

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7863 of 2017

Arising Out of PS.Case No. -33 Year- 2011 Thana –KOTHI District- GAYA

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Subhash Thakur, Son of Ram Swaroop Thakur, resident of village - Pakari,
P.S. Kothi, Distt. Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate.

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-03-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Kothi P.S. Case No. 33 of 2011 instituted for the offence under Sections 436, 396 of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of C.L.A. Act.

Earlier the bail petition of the petitioner was rejected by this Court vide order dated 09.1.2015 passed in Cr. Misc. 30332 of 2014 by which a direction was given to the trial court to expedite the trial and copy of that order was directed to be sent to the Superintendent of Police, Gaya, for ensuring attendance of the witnesses on the date fixed by the trial court. But from the report of the District Judge, Gaya, it appears that accused has not even been produced before the trial court in spite of several



directions/notices by the trial court. The accused has been lodged in Latehar jail in some other case and in spite of the show cause to the Superintendent/Jailor, Divisional Jail, Latehar (Jharkhand), D.G.P. Ranchi and S.S.P. Latehar (Jharkhand), the accused has not been produced before the court.

In such circumstances, this Court finds that there is no laches on the part of the trial court. The Trial court has stated that the trial will be concluded within 9 months.

Considering the facts and circumstances of the case, this Court is not inclined to release the petitioner on bail at this stage.

The prayer for bail of the petitioner stands rejected.

The Superintendent of Police, Gaya, is directed to take step for production of the accused before the trial court in connection with Kothi P.S. Case No. 33 of 2011 positively within a period of one month from the date of receipt of this order failing which, the District & Sessions Judge, will send information to this Court for the laches on the part of Superintendent of Police and then necessary action will be taken by this Court against the concerned Superintendent of Police for not complying the order of this Court as well as earlier order dated 9.1.2015 passed by this Court in Cr. Misc. 30332 of 2014.



The trial court will make effort to conclude the trial within nine months as mentioned in the report.

The petitioner is given liberty to renew his prayer for bail after nine months if no substantive progress is made in the trial.

(Sanjay Priya, J)

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