

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12630 of 2017

Arising Out of PS.Case No. -59 Year- 2015 Thana -PARBATTIA District- BHAGALPUR

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1. Gautam Singh @ Gautam Kr. Singh Son of Late Achyutanand Singh @ Chatrui Singh R/o - Kalindinagar, P.S. - Gopalpur, District - Bhagalpur, at present Chhohar, P.S. - Pothia, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Nilambari

For the Opposite Party/s Mr. Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03 21.06.2017 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner along with others are named in the FIR and there is allegation that the petitioner opened fire on the deceased and prior to him, two other accused made firing upon the deceased. According to the prosecution case, altogether, five firings took place in the present case and submission on behalf of the petitioner is that only three injuries were found on the person of the deceased. Further submission on behalf of the petitioner is that two empty cartridges and one live cartridge were recovered near the dead body of the deceased and, therefore, aforesaid fact goes to show that only three round firings were made at the time of alleged occurrence and according to the prosecution case itself prior to firing of the petitioner, two other persons had made four round firings. Therefore, the aforesaid fact



creates doubt about participation of the petitioner in the alleged crime.

On the other hand, learned Public Prosecutor appearing for the State opposes the prayer pointing out that trial of the petitioner has already commenced and the informant has already been examined and there is every likelihood that the trial of the petitioner may be concluded within four or six months.

In view of the aforesaid submissions as well as taking note of the criminal antecedent of the petitioner, I am not inclined to release the petitioner on bail and, again, his prayer for bail in connection with Session trial no. 411/2016 arising out of Parbatta P.S. Case no. 59/2015 pending in the court of Addl. Sessions Judge II, Naugachia stands rejected, at least, at this stage.

However, petitioner may renew his prayer for bail after seven months, if his trial is not concluded within the above stated period. Furthermore, trial court should expedite the trial of the petitioner and try to conclude the same as early as possible, preferably, within the above stated period of seven months even by taking trial of the petitioner on day to day basis.

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(Hemant Kumar Srivastava,J)

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