

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19745 of 2018

Arising Out of PS. Case No.-101 Year-2016 Thana- ITADHI District- Buxar

Shera Hussain, son of Jumman Hussain, Resident of Village- Kukudha, P.S. Itarhi, District- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Amrendra Prasad

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 27-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was rejected vide order dated 14.09.2017 passed in Cr. Misc. No. 35259 of 2017.

Petitioner is languishing in judicial custody since 10.08.2016 in connection with Itarhi P.S. Case No. 101 of 2016 for offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that on hearing hulla he came to his uncle's house and found both his uncle and aunt killed by firearms. The daughter of his uncle Rehana Khatoon, who was eye-witness, alleged that the petitioner had inflicted firearm injury on both his uncle and aunt



and other accused also named in the F.I.R were also present. Specific allegation upon the petitioner is that he killed the informant's uncle and aunt.

It has been submitted by the learned counsel for the petitioner that he is innocent, the informant was not an eye witness to the alleged occurrence and because of an order passed in Cr. Revision No. 02 of 2018 dated 12.03.2018 in the case of another co-accused Gyan Prakash Chaudhary that charges have not yet been framed against the petitioner. He submits that he is languishing in judicial custody for more than one year and ten months and is ready to co-operate in the trial as and when the stage comes.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage. However, the learned court below, which is in seisin of the matter i.e. the Presiding Officer, Fast Track Court-II, Buxar has sent his report that in view of the order passed in Cr. Revision No. 02 of 2018 in the case of another co-accused Gyan Prakash Chaudhary charges could not be framed.

Learned court below is directed to expedite the matter as



there is no stay order of this Court in the case of the petitioner
and no impediment in his way on framing of the charge against
the petitioner.

(Nilu Agrawal, J)

Rajesh/Pragya

U		T	
---	--	---	--

