

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3227 of 2018

Arising Out of PS.Case No. -647 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Bikki Rajpal, son of Maheshwar Rajpal, resident of Muhalla- Urdu
Bazar, P.S.- Tatarpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 15-05-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody in connection with
Kotwali (Adampur) P.S. Case No.647 of 2016, a case under
Sections 399/402 of the Indian Penal Code, pending in the Court
of 7th Additional Sessions Judge, Bhagalpur.

The petitioner and others were apprehended on
suspicion that they were preparing to commit dacoity. From
possession of the petitioner a country-made pistol, cartridges and
mobile phone were recovered. Petitioner is in custody since
25.11.2016. The petitioner has disclosed four criminal cases
pending against him. Some of which are of serious nature. The
case-diary would reveal that two more criminal cases were there
against the petitioner.

By filing supplementary affidavit the petitioner has



pointed out that in those cases i.e., Kotwali Tatarpur P.S. Case No.637 of 2004, the petitioner was already acquitted on 04.01.2013 by the Juvenile Justice Board, Bhagalpur. Hence, the same was no longer a criminal antecedent of the petitioner and about Kotwali (Tarapur) P.S. Case No.145 of 2014, the petitioner has no knowledge because he was never remanded in that case. It has been informed that the trial of the petitioner is going on.

Considering the entire facts of this case especially the criminal antecedents of the petitioner in serious criminal cases and nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail for the present. Hence, the prayer for bail is refused. The learned trial Court is directed to expedite the trial and conclude the same within nine months without allowing any unnecessary adjournment to any of the parties in the case, failing which the petitioner would be at liberty to renew the prayer for bail before the trial judge itself, who shall pass a reasoned order.

The Superintendent of Police, Bhagalpur, is directed to ensure production of the witnesses in the aforesaid case.

(Birendra Kumar, J)

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