

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61547 of 2017

Arising Out of PS.Case No. -392 Year- 2014 Thana -AURANGABAD TOWN District-
AURANGABAD

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Devesh Singh @ Dhandhan Singh, S/o Sri Bharat Singh, R/o Village- Renu
Bigha, P.S.- Muffasil (Aurangabad), District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Umeshanand Pandit, Advocate.

For the Opposite Party : Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 23-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
02.02.2015 in connection with Aurangabad Town P.S. Case No.
392 of 2014 for the offence registered under Sections 302, 120(B)
of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the informant's
elder brother, namely, Raju Gupta (deceased) had cordial relation
with Siyaram Singh of New Area. On 18.12.2014 at about 10.00
P.M. Ranju Devi, the daughter of Siyaram Singh, called him on
Mobile saying that she had some urgent work. Raju Gupta left his
house on bike saying that he will return soon. When Raju Gupta



did not return within expected time, then family members tried to contact on mobile which was not responded. Again, the daughter of Raju Gupta phoned. Then one Sunil took respond and told that some incident has taken place with Raju Gupta. When the informant and others went there, Sunil and Murari Prasad brought Raju Gupta to local Sadar Hospital where he was declared dead. He had sustained fire arm injuries on his chest, stomach and nose. When the informant went to the place of occurrence he found Raju's Motorcycle lying there. He suspected that Raju Gupta was shot dead while he was going to Siyaram Singh. The blood was scattered on the ground also. The people of vicinity arrived there but no one reached from the house of Siyaram Singh. Even when the informant tried to get his door opened, then Siyaram Singh did not open even his door.

This is third attempt on behalf of the petitioner for grant of bail.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 39610 of 2015 dated 13.10.2015 taking into account that the petitioner has got 23 cases of similar nature. Thereafter, second bail application of the petitioner was rejected vide Cr. Misc. No. 50112 of 2016 dated 29.03.2017 with a direction to the court below to conclude the trial preferably within



a period of nine months from the date of receipt/production of copy of the order. The District Magistrate, Aurangabad and the Superintendent of Police, Aurangabad, were also directed that the prosecution witnesses were produced on the date fixed by the court below.

A report was called for from the court below regarding the stage of the case. It has been reported that out of 18 witnesses, 14 charge sheeted witnesses have already been examined. Now total 4 witnesses (02 witnesses on facts, 01(one) Doctor and 01(one) I.O.) are yet to be examined in the case.

Considering the nature of accusation and stage of case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Aurangabad Town P.S. Case No. 392 of 2014, pending in the court of learned 1st Additional Sessions Judge, Aurangabad, arising out of Sessions Trial No. 139/15/07/15.

The court below is directed to take all necessary steps to conclude the trial within a period of six months from the date of receipt/production of copy of this order.

The District Magistrate, Aurangabad and the Superintendent of Police, Aurangabad are also directed to ensure that the remaining 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, Aurangabad and the Superintendent of Police, Aurangabad.

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(Sudhir Singh, J)

