

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 47445 of 2015**

Arising Out of P.S. Case No. -70 Year- 2013 Thana -DHANGAIN District- BHOJPUR

=====

Manoj Rai, Son of Late Bindeshwari Rai, Resident of Village- Dihari P.S.  
Dhangain, District- Bhojpur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 10-01-2018**

Heard Mr. Rama Kant Sharma, learned senior counsel  
along with Mr. Niraj Kumar, learned counsel for the petitioner and  
learned A.P.P. for the State.

2. The petitioner seeks bail in Dhangain P.S. Case No. 70  
of 2013 dated 14.12.2013 instituted for offence under Sections  
352/323/325/379/307/302 and 34 of the Indian Penal Code and 27 of  
the Arms Act.

3. This is the second attempt for bail of the petitioner as  
earlier such prayer was rejected by order dated 26.11.2014 in Cr.  
Misc. No. 30447 of 2014.

4. On earlier occasion, report was called from the Court  
below for the reason why despite there being direction for conclusion  
of trial within nine months, the same was not done. Pursuant to the



same more than one report has been submitted and the final one dated 20.11.2017 indicates that the petitioner along with his brothers, who are also accused, are primarily responsible for the delay as on some occasion even though the petitioner appeared before the Court, he was not presented and on some occasion there was time petition on behalf of other accused, who are on bail.

5. In such view of the matter and keeping in mind the fact that earlier prayer for bail was rejected and there is no substantial change in the circumstances except for efflux of time and further that specific role has been assigned to the petitioner of firing on the chest, which is corroborated by the postmortem report, the Court is not inclined to enlarge the petitioner on bail.

6. Accordingly, the application stands dismissed.

7. However, as this Court had earlier directed the trial Court to conclude the trial, there is no reason why the same could not have been complied with for the trial Court was well within its jurisdiction to bifurcate the trial at that time, since the same had not begun. Thus, it is for the trial Court to examine the status and see how the same has to be done. The Court to that extent finds that there has been slackness on the part of the trial Court as the power available to it has not been exercised, resulting in the time fixed for conclusion of trial not being adhered to for quite some time.



However, giving one more indulgence, this Court directs the Court below to ensure that the trial is concluded within six months, for which purpose, if the witnesses have not been examined, the trial may even be bifurcated so as to ensure that at least as far as petitioner is concerned, the same is taken to its logical conclusion and if required by fixing it on a day to day basis. It is observed that if there is non adherence to the time frame fixed, this Court shall be compelled to take strict judicial note of the same in the matter.

8. Registry shall communicate the order to the Court below through Fax also latest by tomorrow.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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