

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59332 of 2017

Arising Out of PS.Case No. -228 Year- 2013 Thana -KATEYA District- GOPALGANJ

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Haribansh Singh, Son of Nathuni Singh, Resident of Village- Niyamat Guriyanna, P.S.- Kateya, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate.

For the Opposite Party : Mr. Arun Kumar, 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 31.03.2016 in a case registered for the offence under Sections 147, 148, 149, 341, 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 18.12.2013, the informant alongwith his father and cousin Satendra Kumar Singh had gone to Gopalganj for consulting with an Advocate regarding registration of land and after meeting they came from there to his village by bus. When the bus reached at *Jaisauli Braham Asthan* then nine persons sitting on three motorcycles, interrupted the bus. Out of whom, six persons entered into the bus, who were identified by the informant and his cousin and they were



Haribansh Singh, Bachcha Singh, Motilal Singh, Chhotelal Singh, Hare Ram Singh and one was not identified by them. Haribansh Singh and Hareram were armed with country made pistol and Bachcha Singh and Motilal Singh were armed with knife and Chhotelal Singh was armed with pistol. Chhotelal Singh started pressing neck of the informant's father then the informant and his cousin raised alarm thereafter the unknown associates pointed out the pistol upon them and asked them to sit. In the meantime, Haribansh Singh fired from his pistol upon the informant's father head and thereafter Bachcha Singh and Motilal Singh assaulted him by knife. Thereafter, all the miscreants got down from the bus hurling threats not to raise hulla and thereafter they fled away towards the village-Simra.

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. 20027 of 2016 dated 18.07.2016 and Cr. Misc. No. 5507 of 2017 dated 15.03.2017 taking into account that the petitioner was the main assailant causing death of the deceased. He absconded for approximately three years.

A report was called for from the court below regarding the stage of the case. It has been reported that out of 21 charge



sheeted witnesses, 18 witnesses have already been examined and within a period of two months, trial is expected to be concluded.

Considering the stage of the case and nature of allegation, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 794 of 2016, arising out of Kateya P.S. Case No. 228 of 2013, pending in the court of learned Additional District & Sessions Judge-III, Gopalganj.

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

The District Magistrate, Gopalganj and the Superintendent of Police, Gopalganj are directed to ensure that the 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, Gopalganj and the Superintendent of Police, Gopalganj.

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(Sudhir Singh, J)

