

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14295 of 2018

Arising Out of PS.Case No. -40 Year- 2012 Thana -NASRIGANJ District- SASARAM (ROHTAS)

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Babu Singh @ Vikash Singh @ Vikash Kumar, S/o Late Buchun Prasad
Singh @ Buchul Singh, R/o Village- Bardiha, P.S.- Nasriganj, District-
Rohtas at Sasaram.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binayak Kumar Shrivastav

For the Opposite Party/s : Mr. Sri Matloob Rab

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

05/ 18-07-2018

Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner has renewed the prayer for bail in
a case registered for the offences punishable under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation against the petitioner is of
causing injury with pistol to Bhaiya Ram as a result of which he
succumbed to the injuries.

It is submitted by learned counsel for the
petitioner that the charges have still not been framed and petitioner
is languishing in custody since 08.05.2012. However, the
petitioner was granted provisional bail vide order dated



16.07.2014 passed in Cr. Misc. No. 6775 of 2014 on the ground of death of his mother for eight weeks but he misused the privilege of bail by not surrendering for three years. The petitioner is suffering from spinal problem and there is no likelihood of trial being concluded in near future.

Learned APP submits that the petitioner is the sole assailant and he has misused the privilege of bail earlier.

The report of learned Additional District & Sessions Judge-VII, Rohtas at Sasaram dated 23.05.2018 at Flag 'R' reflects that the charges have not been framed. However, the learned Trial Court has transmitted a time frame of six months for concluding the trial after splitting the trial of appearing accused.

Considering the nature of accusation and the subsequent conduct of the petitioner, this Court is not inclined to revise the earlier order. Accordingly, the prayer for bail of the petitioner is rejected in connection with Sessions Trial No. 53 of 2013 arising out of Nasriganj P.S. Case No. 40 of 2012, pending in the Court of learned Additional Sessions Judge-VII, Rohtas at Sasaram.

It is expected from learned Trial Court to conclude the trial within the time frame submitted before this Court after splitting the trial of non-appearing accused since the



petitioner is in custody since 16.10.2015. In case of non-conclusion of trial within the time frame, the petitioner will be at liberty to renew the prayer for bail.

(Dinesh Kumar Singh, J)

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