

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7370 of 2019

Arising Out of PS. Case No.-139 Year-2015 Thana- BUNIYAD GANJ District- Gaya

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DHARMENDRA KUMAR @ SUKHI SINGH, Son of Shri Hazari Prasad Singh @ Hazari Singh, R/o village - Nanauk, P.S. - Buniyadganj, Dist - Gaya. Presently residing at Manpur, P.S - Gaya Muffasil, Dist - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramanath Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Narayan, Sr. Advocate

Mr. Sunil Kumar Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 307, 302, 387/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to FIR, the petitioner is main assailant and informant is eyewitness of the occurrence. Petitioner is in custody since 21.06.2017.

Earlier prayer for bail was refused on 18.07.2018 in Cr. Misc. No. 26295 of 2018 vide Annexure-4 with a direction to the learned trial Judge to expeditiously conclude the trial.

The report of the learned trial Judge reveals that due to absence of co-accused, the trial could not be committed to the Court of Sessions.

Now, it has been informed that the trial is committed to



the Court of Sessions.

Learned counsel for the petitioner submits that during investigation and further investigation, after submission of charge sheet, it has come that implication of the petitioner was false due to other rivalry.

At this stage, the eyewitnesses cannot be disbelieved, hence, I am not inclined to enlarge the petitioner on bail in connection with Buniyadganj Police Station Case No. 139 of 2015 pending in the Court of learned Sub-Divisional Judicial Magistrate, Gaya.

Learned counsel for the informant is present. Informant shall ensure production of prosecution witnesses on each and every date fixed in the case.

Similar direction be issued to the Superintendent of Police, Gaya as well as the learned Public Prosecutor of the District to ensure early hearing on charge and on framing of the charge in the case and conclusion of the trial within a period of nine months from the date of receipt/production of a copy of this order.

(Birendra Kumar, J)

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