IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43829 of 2019

Arising Out of PS. Case No.-727 Year-2017 Thana- AHIYAPUR District- Muzaffarpur

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Vinay Kumar Rai @ Vinay Kumar Ray, aged about 32 years(M), son of Harikant Ray, resident of Village - Hetanpur Dhamaun, P.S.- Patori, Dist.- Samastipur.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Sandeep Kumar, Adv.
Mr.Mukesh Kumar, Adv.
For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3 21-08-2019 Heard Sri Sandeep Kumar, learned counsel, assisted by Sri Mukesh Kumar, learned counsel for the petitioner and learned Addl. Public Prosecutor.

This is third attempt for grant of bail on behalf of the petitioner in Ahiyapur P.S. Case No.727 of 2017 registered for the offence under Section 414 of the Indian Penal Code, Sections 25(1-b)a, 25(1-AA), 25(1-AAA), 26(ii), 35 of the Arms Act 1959, Sections 8, 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section30(a) of the Bihar Prohibition and Excise Act, 2016.

It was submitted by learned counsel for the petitioner that the petitioner is in jail since 10.09.2017 without proper trial. He submits that till date charge has not been framed.

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Earlier by order dated 17.07.2019 a detailed report was called from the court below, which has been received and kept at Flag-A. The letter No. 197/2019 dated 13th August, 2019 sent by the learned I/C Spl. Judge, Excise, Muzaffarpur indicates detailed reason for the delay in commencement of trial. On examination of the report, it is evident that trial is being delayed due to action/inaction of accused.

In that view of the matter, no benefit can be granted to the petitioner on the plea of delay. Accordingly, the prayer for bail stands again dismissed.

However, considering the fact that the petitioner is in custody since 10.09.2017, while dismissing the bail petition, it is desirable to direct the court below to take all steps, so that charges may be decided within four weeks from the date of receipt/production of a copy of this order.

(Rakesh Kumar, J.)

nawalkrs/-

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