

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4904 of 2019

Arising Out of PS. Case No.-7 Year-1993 Thana- PIPRASI District- West Champaran

RAM CHANDRA CHOUDHARY @ RAM CHANDAR MALLAH, s/o-
Dasai Chaudhary Village-Churiharwa, PS- Chautarwa, District-West
Champaran (Bettia)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 353, 307 of the Indian Penal Code and 25(B, 26 and 27 of the Arms Act.

The prosecution case in short is that while the informant along with other police party were on patrolling duty, the accused persons were inquired upon which they fired upon the police parties and taking the benefit of darkness, the accused persons fled away.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.1.2017. There is no allegation of tampering of witnesses alleged against the



petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. There is no substantive evidence to suggest his implication in the present case. The name of the petitioner was disclosed by the local villagers. The name of said local villager has not been disclosed by the prosecution. None is said to have been injured in course of occurrence.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The police party had intercepted the petitioner and other accused persons. Firing was made from both the sides and taking the advantage of darkness, the petitioner and other accused persons fled away. The petitioner has got 38 cases pending against him.

Considering the same, I am not inclined to grant bail to the petitioner in connection with Tr. No. 3314/2018 arising out of Piparasi P.S. Case No. 07/1993. The same is rejected. The Trial Court is directed to take all necessary steps to conclude the trial within a period of one year from the date of receipt/production of a copy of this order.

From the order dated 27.8.2018 passed by learned A.C.J.M. Bagaha, it appears that in spite of repeated efforts, the case diary is not being made available by the Office of the



Superintendent of Police, Bagaha, West Champaran.

The Superintendent of Police, Bagaha, West Champaran is directed to take immediate steps to comply with the order passed by learned A.C.J.M. Bagaha, West Champaran so that the case could be committed to the Court of Session and the compliance of Section 207 Cr.P.C. be made at the earliest.

The District Magistrate, Bagaha, West Champaran and the Superintendent of Police, Bagaha, West Champaran are also directed to take necessary steps to produce the remaining witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

Let this order be communicated to the District Magistrate, Bagaha, West Champaran and the Superintendent of Police, Bagaha, West Champaran.

(Sudhir Singh, J)

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