

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19898 of 2020

Arising Out of PS. Case No.-16 Year-2016 Thana- BIHARSHARIF RAIL P.S. District- Patna

Suryamani Thakur @ Suryamani, aged about 26 years, Male, Son of Kailu Thakur, Resident of Srichandpur, P.S. - Harnaut, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-08-2020 Heard Mr. Anil Kumar Singh, the learned counsel appearing on behalf of the petitioner and Mr. B.N. Pandey, the learned Additional P.P.

The petitioner seeks bail in Biharsharif Rail P.S. Case No.16 of 2016, corresponding to Sessions Trial No.29 of 2018, registered under Sections 302, 109, 120(B) and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prayer for bail of the petitioner was thrice rejected by this Court (Annexure-1 series).

Learned counsel for the petitioner submits that the petitioner is in jail since 01.12.2016. More than 3½ years have elapsed but the trial has not yet been concluded.

It appears that on submission of the learned counsel for the petitioner, report was called for. The learned Additional



Sessions Judge-IX, Patna reported that six prosecution witnesses have already been examined. Cross-examination of prosecution witness no.7 was deferred at the instance of the petitioner. Thereafter the petitioner was remanded in Sessions Trial No.420 of 2017, arising out of Harnaut P.S. Case No.226 of 2016 before the learned Additional Sessions Judge-I, Bihar Sharif (Nalanda) but thereafter the petitioner has not been produced or brought to Beur jail for production in the present case.

Taking into consideration the fact that it was the petitioner who is alleged to have fired causing the death of the deceased in a running train, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The learned trial court is directed to expedite the trial and conclude the same within six month from the date of regular functioning of the court.

(Prabhat Kumar Jha, J)

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