

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71737 of 2019

Arising Out of PS. Case No.-73 Year-2017 Thana- MAJHAULIA District- West Champaran

SK. BUCHAI @ KAMALUDDIN Son of Shekh Yakub Resident of Village -
Kadamwa, P.S.- Gopalpur, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-03-2020 Heard both sides.

The petitioner seeks bail in Majhauria P.S. Case No.73 of 2017 registered under Sections 302, 120B and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prayer for bail of the petitioner was earlier rejected by order dated 28.11.2018 passed in Cr. Misc. No.65055 of 2018.

The learned counsel for the petitioner submits that the informant of course alleged that it was petitioner who fired and the same hit on the head of the deceased but later on two of the accused persons confessed their guilt and they did not disclose that firing of the petitioner hit the deceased. It is further submitted that a report was called for but from perusal of the report, it would appear that the trial has not yet begun. Charges



were to be framed on 04.01.2020 but it appears that the informant who claimed himself to be eye witness of the occurrence made specific allegation against the petitioner that it was petitioner who fired on the deceased which hit on the head of the deceased resulting in death of the deceased on the spot.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

Since the petitioner is in jail since 27.06.2018, trial court is directed to expedite the trial and hold the same on day to day basis and conclude the trial within one year from the date of receipt of this order.

S.P., West Champaran, Bettiah is directed to ensure the attendance of the witnesses of Majhauria P.S. Case No.73 of 2017 before the trial court on each and every date so that the trial must be concluded within one year.

If the trial is not concluded within one year, the petitioner may renew his prayer for bail.

Let a copy of this order be sent to learned Sessions Judge, West Champaran, Bettiah and S.P., West Champaran, Bettiah for information and needful.

Saurabh/-

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(Prabhat Kumar Jha, J)

