

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13837 of 2020

Arising Out of PS. Case No.-187 Year-2016 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

MD. WASIHAT @ MD. WASIYAT @ MOHAMMAD MANUAR ALI Son
of Late Abdul Samad, Resident of Village - Urdu Bazar, P.S.- Laheriasarai,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13, Adv.

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 03-03-2021 Heard both sides.

Petitioner seeks bail in L.N.M.U. P.S. Case No.187 of
2016 registered under Sections 394, 324 and 307 of the IPC.
Later on after death of the brother of the informant, Section 302
of the I.P.C. was added.

Learned counsel for the petitioner submits that earlier
the petitioner was granted regular bail vide order dated
18.05.2017 passed in Cr.Misc.No.18804 of 2017 but the State
filed Cr.Misc.No.40368 of 2018 for cancellation of bail of the
petitioner on the ground that the petitioner concealed the
material facts and the facts with regard to his criminal
antecedent. Having considered the facts, the bail bond of the
petitioner was cancelled vide order dated 19.06.2019 passed in



Cr.Misc.No.40368 of 2018. It is further submitted that the informant disclosed in his statement, on the basis of which the F.I.R. was registered, that the bag containing money was of black colour but from perusal of the seizure list, it would appear that the looted bag was of navy blue colour. It is further submitted that the petitioner immediately thereafter surrendered on 25.07.2019 and since then he is in custody. All other accused persons have been granted bail. A report was called for with regard to the stage of trial. From the report, it appears that the accused persons, who are on bail, are not appearing in the Court. On account of COVID-19 pandemic, the trial was stalled and the case is still at the stage of framing of charge. It appears from the record that the petitioner was apprehended and on his confession, the looted bag was recovered. From the bag, receipts and form of Durga Flour and Oil Mill were recovered. There are ample materials to show that on the basis of the confession of the petitioner, the looted bag with receipts were recovered. The petitioner has got criminal antecedent. It was petitioner, who fired causing death of the brother of the informant while committing highway robbery.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same



is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order. If the trial is not concluded within nine months, the petitioner, if so advised, may renew his prayer for bail.

The Superintendent of Police, Darbhanga is directed to ensure the presence of prosecution witnesses in court so that the trial must be concluded within nine months.

Let a copy of this order be sent to the trial court as well as the Superintendent of Police, Darbhanga for information and needful.

(Prabhat Kumar Jha, J)

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