

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33540 of 2020

Arising Out of PS. Case No.-365 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

JAVED @ DISCO Son of Rasul Miyan, Resident of Village- Tadawan, P.S.-
Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv.
	:	Mr. Kumari Anupam, Adv.
For the State	:	Mr. Ashok Kumar, APP
For the Informant	:	Mr. Prashan Kumar, Adv.
	:	Mr. Nihar Nandan Ambasta, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-01-2021 Heard the parties.

The petitioner seeks bail in a case registered for the offence punishable under Section 147, 148, 149, 341, 323, 307, 302 of the Indian Penal Code.

The petitioner has renewed his prayer for bail vide order dated 30.08.2019, the prayer for bail of the petitioner was rejected with a direction to the trial court, to conclude the trial within a period of one year.

Prosecution case in brief is that on 27.06.2018 due to dispute of drainage. The FIR have been lodged against the accused persons including the petitioner came with lathi-danda, iron rod and bricks/stones, Javed @ Disco assaulted Mumtaj



with intention to kill him by Iron rod on the back of head by which he became unconscious and fell down and carried to Sadar Hospital, Siwan and thereafter referred to Patna. They have also assaulted the other victims and became injured.

Vide order dated 16.12.2020 a report was called for from the learned court below regarding the stage of trial (report kept at **Flag 'A'**).

In compliance of the order dated 16.12.2020 the learned Additional District and Sessions Judge-1st cum Special Judge, Siwan vide his letter no. 374 dated 24.12.2020 has reported that out of 08 witnesses, 06 witnesses have been examined. Summons have been issued to remaining prosecution witnesses.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is in jail custody since 30.07.2018.

Learned APP for the State opposes the prayer for bail petition.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with S.T. No. 260/2019 arising out of Siwan



Muffasil P.S. Case No. 365/2018 from the Court of learned Additional Sessions Judge-1st cum Special Judge, Siwan.

However, the learned court below is directed to conclude the trial as expeditiously as possible preferably within a period of three months from today. Both the parties are directed to extend their cooperation in early conclusion of the trial. If the trial is not concluded within the stipulated period, the delay is not attributable to the petitioner. The court below shall enlarge the petitioner on bail.

Accordingly, this application is disposed of.

(Anjani Kumar Sharan, J)

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