

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28161 of 2022

Arising Out of PS. Case No.-76 Year-2019 Thana- ROSHANGANJ District- Gaya

RAMJEE BHUIYAN @ RAMJEE BHARATI S/o Krishna Bhuiyan R/o
village- Ambakhar, P.S.- Raushanganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha, Advocate Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Md. Ataur Rahman, APP
For the Informant	:	Mr. Kundan Kumar, Advocate Mr. Yogesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-08-2022 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner has renewed his prayer for bail in a case registered under sections 302,147,148,149 and 120B of the Indian Penal Code, section 27 of the Arms Act and sections 16,18 and 20 of the UAP Act.

As per the prosecution case, the accused persons as a result of pre-planned conspiracy came armed with sophisticated weapons and shot the husband of the informant as a result of which he died.

It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 21.10.2021 (Annexure-1) passed in Cr. Misc. no.



18998 of 2021 directing the learned trial Court to expedite the trial. It is submitted that inspite of the petitioner being in custody since 12.8.2020, there is no progress in the trial in the learned trial Court.

The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the allegation against the petitioner has been supported by the witnesses in paragraph nos, 7, 8 and 9 of the case diary which is evident from the earlier order of rejection dated 21.10.2021. It is submitted that once the trial commences, the prosecution will examine its witnesses within six months.

A report was called for from the learned trial Court. A copy of the letter no. 192 dated 23.7.2022 written by the Judicial Magistrate 1st Class, Sherghati to the Dy.S.P, Sherghati, Gaya has been sent to this Court from which it transpires that the charge sheet was submitted in the case but sanction order has not been submitted with the case diary and thus cognizance has not been taken.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the Court is not inclined to enlarge the petitioner on



bail and the application is rejected.

The Deputy Superintendent of Police, Sherghati, Gaya is directed to take immediate steps pursuant to the letter no. 192 dated 23.7.2022 of the Judicial Magistrate, 1st Class, Sherghati, Gaya.

Let a copy of this order be communicated to the Senior Superintendent of Police, Gaya for its due communication to the Dy. S.P, Sherghati, Gaya.

(Partha Sarthy, J)

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