

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60410 of 2021

Arising Out of PS. Case No.-6 Year-1994 Thana- GAUNAHA District- West Champaran

Pataru Malah @ Banshi Malah Son of Late Jhakar Choudhary Resident of Village - Tharwa Nawalpur, P.S.- Yogapatty (Nawalpur), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 28-09-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Gaunaha P.S. Case No. 06 of 1994 lodged under Sections 364(A)/365/387 of the I.P.C.

As per the prosecution case, the allegation of kidnapping and ransom is there against 10-12 unnamed persons.

Learned counsel for the petitioner submits that name of the petitioner has been figured in this case for virtue of confessional statement of co-accused. He submits that petitioner is not named in the F.I.R. and since petitioner is working outside of village as labour and due to this reason, he was completely unaware about this case, which is of the year 1994 in which he declared absconding. Learned counsel further submits that petitioner is in custody since 20.08.2021, aged about 70 years,

having one criminal antecedent of similar nature in which he is on bail.

Learned counsel for the petitioner submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail and submits that due to inaction on the part of the present petitioner the case of 1994 in which Sessions trial number was given in the year 1996 (i.e. commitment has been made in the year 1996 itself) and it is 2022, but trial could not be completed.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present and directed the Trial Court to conduct the trial as early as possible.

Petitioner is at liberty to move his prayer for bail application after one year from the date of this order.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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