

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23612 of 2024

Arising Out of PS. Case No.-365 Year-2023 Thana- ARA NAGAR District- Bhojpur

Md. Jawed S/o Md. Ansar @ Md. Angar R/o Mohalla ward no. 25, Machhua
Toli, Ara, P.s. - Ara Town, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Pandey

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 06-09-2024 Heard the learned senior counsel for the petitioner;

Shri P.N. Shahi and the learned counsel for the State; Shri Satya

Nand Shukla.

2. This is an application for grant of regular bail to the
petitioner in connection with Ara Town P.S. Case No. 365 of
2023 registered under Section 392 of the Indian Penal Code and
later on Section 411, 395, 412 of the Indian Penal Code was
added.

3. The following order was passed on 29.11.2023 in
Cr. Misc. No. 74160 of 2023:-

“Heard learned counsel appearing on
behalf of the petitioner and learned APP appearing
on behalf of the State.

2. Let the defect(s), if any, be removed
within a period of four weeks from today.

3. The petitioner seeks bail in



connection with Ara Nagar P.S. Case No. 365 of 2023 registered for the offence under Section 392, 411, 395 and 412 of the Indian Penal Code.

4. As per the prosecution case, the petitioner is one of the criminals who have looted around Rs. 5,00,000/- from a State Bank of India Branch and when the police intercepted them, they started firing upon the police in which one police personnel sustained injury.

5. These kind of criminals who are involved in day light robbery does not deserve bail as it has been argued by the learned counsel for the petitioner that some of the co-accused persons have been granted bail by this Court.

6. Accordingly, the prayer of bail of the petitioner is rejected herewith.

7. The District Judge, Bhojpur and the Superintendent of Police, Bhojpur are directed to conclude the trial of the petitioner within six from the date of receipt/communication of a copy of this order.

8. Let a copy of this order be communicated to the District Judge, Bhojpur and the Superintendent of Police, Bhojpur through FAX and e-Mail for its compliance forthwith"

4. The learned senior counsel for the petitioner has submitted that the petitioner is in custody since 01.06.2023 and, therefore, he may be granted bail. He also submits that some co-accused have been granted bail by this Court and by the Trial Court.

5. This Court had called for a report from the Trial Court. The report of the trial court shows that the trial of the



petitioner is not proceeding because one co-accused Ankit Pandey is in custody in connection with Bihta P.S. Case No. 184 of 2023 in Patna District in which production warrant has been issued on 30.03.2024 and 15.05.2024 but he has not been produced. Another co-accused is absconding.

6. It appears that in such a serious case, the authorities are taking proper steps. When the production warrant has been issued in connection with Bihta P.S. Case No. 184 of 2023, the petitioner ought to have been produced before the concerned Court at *Bhojpur*.

7. The Senior Superintendent of Police, Patna is directed to produce *Ankit Pandey* who is in custody in Bihta P.S. Case No. 184 of 2023 in *Bhojpur* at the earliest pursuant to the production warrant issued in Sessions Trial No. 40 of 2024.

8. If another co-accused is not appearing, the trial of the petitioner should be separated and the trial of the petitioner be expedited.

9. The Superintendent of Police, Bhojpur is directed to produce the witness(s) on the dates fixed in the trial so that the right of speedy trial of the petitioner is not defeated.

10. With the aforesaid observation and direction, this application for bail is hereby rejected.



11. Let a copy of this order be communicated to the Senior Superintendent of Police, Patna, District Judge, Bhojpur and Superintendent of Police, Bhojpur through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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