

Amit Ray vs The State Of Bihar on 4 December, 2020

Author: Prabhat Kumar Jha

Bench: Prabhat Kumar Jha

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25854 of 2020
Arising Out of PS. Case No.-89 Year-2019 Thana- PURAINI District-
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AMIT RAY Son of Late Birendra Ray @ Virendra Ray Resident of Village-
Ganeshpur, P.S.- Puraini, District- Madhepura.

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-12-2020

Heard both sides through Video Conferencing.

The petitioner seeks bail in Puraini P.S. Case No.89 of 2019 registered under Section 392 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier rejected vide order dated 03.02.2020 passed in Cr. Misc. No.5805 of 2020.

The learned counsel for the petitioner submits that petitioner is in custody since 17.07.2019. Petitioner has remained in jail for about one year and five months but the trial has not yet been concluded.

The report was called for from Shri Shiv Kumar, Sub Judge II-cum-A.C.J.M. II, Udakishunganj, Madhepura with regard to the stage of trial. From perusal of the report, it appears that learned A.C.J.M. II did not make any efforts for conclusion Patna High Court CR. MISC. No.25854 of 2020(4) dt.04-12-2020 of trial. If the two accused persons are absconding, the learned A.C.J.M. should have bifurcated the case of the petitioner from the case of two other absconding accused and should have made efforts for conclusion of trial of the petitioner. It appears from the report itself that the A.C.J.M. has not taken any step for conclusion of the trial even the case of the petitioner has

not been separated and charges have not been framed.

Since the petitioner has got criminal antecedent and he is accused in as many as 15 cases, all of similar nature relating to the road robbery and dacoity, 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 after separating the case of the petitioner from other two accused and conclude the same within six months.

If the trial is not concluded within six months, the petitioner may renew his prayer for bail thereafter.

(Prabhat Kumar Jha, J) Saurabh/-

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