

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13133 of 2015

Arising Out of PS.Case No. -61 Year- 2006 Thana -BRAHMPUR District- BUXAR

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Beni Yadav Son of Late Mahesh Yadav Resident of Village- Chakkai,
Lachman Dera, P.S.- Chakkia, O.P. (Brahampura), District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Basant Kumar Singh

For the Opposite Party/s : Mr. Awadhesh Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 26-08-2015 Heard Mr. Basant Kumar Singh for the petitioner and

counsel for the informant.

The petitioner at least on two earlier occasions moved this Court for grant of bail. The last being Cr. Misc. No. 29540 of 2014 which was disposed of on 13.08.2014 directing the trial court to examine all the prosecution witnesses within six months failing which the petitioner was directed to be released.

It has been submitted on behalf of the petitioner that out of 19 cited witnesses in the charge sheet only four witnesses apart from official witness were produced and examined by the prosecution and thereafter on the request of the prosecution the evidence was closed. He submits that at all the prosecution witnesses cited in the charge sheet have not been examined within

six months and the petitioner is entitled to bail which has been refused under the impugned order.

The counsel for the informant informs the Court that the trial has progressed further and the statement of the petitioner-accused has already been recorded under section 313 Cr. P.C. The case has been fixed for evidence of the defence.

The view taken by the court below appears to be legal. The prosecution cannot be compelled to examine all the prosecution witnesses cited in the charge sheet.

This Court, in view of the aforesaid, does not find any ground for grant of bail. Application is dismissed.

(Kishore Kumar Mandal, J)

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