

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37841 of 2015

Arising Out of PS.Case No. -78 Year- 2011 Thana -NAUBATPUR District- PATNA

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1. Pappu Rai Son of Raj Narayan Rai resident of village - Ghanshyampur,
Police Station - Naubatpur, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav

For the Opposite Party/s : Mr. Uday Chandra Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 06-11-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

It is very unfortunate that trial of the petitioner is still
pending particularly in the circumstance when petitioner is in jail
custody since 03.06.2011.

It appears that earlier the prayer for bail of the
petitioner was rejected by a Bench of this Court vide order dated
06.04.2012 passed in Cr. Misc. No. 3085 of 2012 directing the
trial court to expedite the trial of the petitioner avoiding
unnecessary adjournments but the impugned order dated

08.07.2015 reveals that out of ten proposed prosecution witnesses, up till now, only three prosecution witnesses could be examined. The aforesaid circumstance goes to show about the apathy of trial court as well as concerned prosecution agency including the police officials.

Detention in custody for indefinite period in the name of trial amounts to violation of personal liberty of a citizen. Moreover, taking note of this fact that petitioner is said to have opened fire causing death of the deceased, I do not feel it proper to release the petitioner on bail and hence, his prayer for bail in connection with Sessions Trial No. 1469 of 2011 arising out of Naubatpur P.S. Case No. 78 of 2011 pending in the court of Additional Sessions Judge-I, Danapur, Patna stands rejected, at least, at this stage.

However, the learned trial court is directed to conclude the trial of the petitioner as early as possible, preferably within six months from the date of receipt/production of copy of this order, failing which the petitioner shall be entitled to renew his prayer for bail before the learned trial court itself.

Let copy of this order be sent to the Additional Superintendent of Police, Danapur with direction to ensure the presence of remaining prosecution witnesses of the aforesaid case

before the concerned trial court within two months from the date of receipt/production of copy of this order, failing which the matter shall be viewed seriously.

(Hemant Kumar Srivastava, J)

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