

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41254 of 2014

Arising Out of PS.Case No. -87 Year- 2008 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

=====

Vir Bahadur Singh @ Lakki Singh son of Jang Bahadur Singh by resident
of Village - Baduri, Police Station - Durgawati, District - Kaimur at
Bhabhua, Bihar

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 21-01-2015 Supplementary affidavit is filed on behalf of the
petitioner.

Heard learned counsel for the petitioner and learned Additional
Public Prosecutor for the State.

Admittedly, the petitioner is in jail custody since 05-08-
2011 but uptill now, his trial could not be concluded and it appears
from perusal of report of learned trial court that four prosecution
witnesses, including the I.O. and the informant, are yet to be examined.
Learned trial court has sought six months' time to conclude the trial of
the petitioner.

The petitioner is said to be main assailant and his prayer
for bail has already been rejected thrice by this court and while
rejecting the prayer for bail of the petitioner by order dated 25-09-2013
passed in Cr. Misc. No. 40034 of 2013, this court directed the trial court
to conclude the trial of the petitioner as early as possible but it is very

unfortunate that even after, expiry of more than one year from the date of above-said observation, the trial of the petitioner is still pending. However, taking note of the allegation, levelled against the petitioner as well as report of the trial court, I am not inclined to grant privilege of bail to the petitioner and accordingly, his prayer for bail in connection with Sessions Trial No. 02 of 2009/58 of 2011 arising out of Durgawati P.S. Case No. 87 of 2008 pending in the court of Additional Sessions Judge (F.T.C. No.-II), Kaimur at Bhabua is again rejected.

However, it is made clear that if, the trial court fails to conclude the trial of the petitioner within six months from today due to laches of the prosecution, the trial court shall release the petitioner on bail, fixing the amount of bail bonds on its own level and shall also send the reasons for non-conclusion of trial of the petitioner within the above-said period.

Let a copy of this order be sent to the Sessions Judge, Kaimur at Bhabua with direction to him to ensure the disposal of the above-said Sessions Trial No. 02 of 2009/58 of 2011 within the period, as sought by the trial court.

(Hemant Kumar Srivastava, J)

A.K.V./-

U		T	
---	--	---	--