

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47764 of 2014

Arising Out of PS.Case No. -117 Year- 2010 Thana -RAFIGANJ District- AURANGABAD

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1. Mohari Yadav S/o Late Dukahn Yadav resident of Village - Hasenpur,
P.S. - Rafiganj, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 07-05-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Earlier several times, prayer for bail of the
petitioner was rejected by coordinate bench of this court but the
petitioner is in jail custody since 21-08-2011 and according to the
report of learned trial court, only the I.O. and doctors have been
left to be examined.

It would appear from the report of learned trial
court that the trial court has already issued processes to procure
the attendance of doctors and the I.O. but uptill now, the
attendance of doctors and the I.O. of the aforesaid case could not
be procured.

In the aforesaid circumstance, this bail petition



stands rejected with direction to the Ad hoc Additional Sessions Judge-II, Aurangabad/concerned court to dispose off the S. Trial No. 26 of 2011/317 of 2013 arising out of Rafiganj P.S. Case No. 117 of 2010 within four months from the date of receipt/production of copy of order. Furthermore, copy of this order be communicated to the Superintendent of Police, Aurangabad with direction to him to ensure the presence of remaining prosecution witnesses of the above-said case before the trial court within a month from the date of receipt/production of copy of order.

However, it is made clear that if, prosecution fails to examine the remaining prosecution witnesses before the trial court within the stipulated period, the petitioner may renew his prayer for bail before the learned trial court itself.

(Hemant Kumar Srivastava, J)

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