

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1436 of 2015

Arising Out of PS.Case No. -236 Year- 2013 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Navin Kunwar @ Navin Kumar son of Late Babunand Kuar Resident of
Village - Patbandi, PS - Majhauria, Dist - West Champaran, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shantanu Kumar

For the Opposite Party/s : Mr. Indu Kumari Srivastav(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 11-03-2015

Heard learned counsel for the petitioner and the State.

In this case, petitioner is seeking bail in Majhauria
P.S.Case No. 236 of 2013 (S.T.No. 1124 of 2013), registered u/s
376/312 IPC.

Earlier vide order dated 23rd April 2014 passed in
Cr.Misc.No. 4823 of 2014, prayer for bail of the petitioner was
rejected on the ground that two witnesses, namely, the Doctor and
the I.O. were not examined and a direction was given to the court
below to conclude the trial within six months.

The situation has not improved, as despite issuance
of warrant of arrest against them for being examined in the case,
they have not appeared. This is very sorry state of affair on the
part of prosecution for which the accused is languishing in jail

custody. The Doctor and the I.O are material witnesses in this case. The Court below has taken all efforts for their examination but feels helpless in concluding the trial.

This Court feels anguish, the manner the State agencies are functioning and directs the Senior Superintendent of Police, West Champaran to ensure the production of aforesaid two witnesses so that the trial is concluded at the earliest.

Let a copy of this order be sent to the Director General of Police to take appropriate steps in the matter.

The trial court is directed to conclude the trial without unnecessary delay, preferably within four months from the date of receipt/production of copy of this order. However, if the trial is not concluded within this period, petitioner, if so advised, may renew his prayer for bail.

Accordingly, this petition is dismissed.

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(Shivaji Pandey, J)