

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31450 of 2014

Arising Out of PS.Case No. -80 Year- 2007 Thana -ROHTAS District- SASARAM (ROHTAS)

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Arjun Chandrabanshi @ Arjun Kahar @ Arjun Jee S/o Late Ramchandra
Chandrabanshi resident of village - Bishunpur, P.S. Nauhatta, District -
Rohtas

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Anil Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 15-09-2015 Heard learned counsel for the parties.

The prayer for bail of the petitioner was earlier rejected by this Court by an order dated 1.10.2013 in Cr.Misc.No. 14262/2013, wherein while no liberty was given to the petitioner to move again for bail but then it was observed that since he was in jail from 4.4.2012 the trial should be expedited.

When the bail application was filed this Court had called for a report from the trial court and the trial court in its report dated 18th August, 2015 at Flag-X has explained that after framing of the charge on 30.10.2013 the trial of the petitioner has already commenced, wherein four out of fourteen prosecution witnesses have already been examined and the trial could be concluded within a period of one year.

Considering the antecedent of the petitioner that he was



accused in as many as seven cases as also there being direct allegation against him for offence under section 302 of the Indian Penal Code this Court on 1.10.2013 had rejected the prayer for bail of the petitioner on merit and therefore, this would be hardly any occasion for this Court to reconsider the prayer for bail of the petitioner again on merit.

As noted above, the trial of the petitioner had already commenced and now 10 prosecution witnesses are to be examined. In the considered opinion of this Court a period of one year would be too long to conclude the trial keeping in view that it is the duty of the prosecution particularly in a sessions case to ensure production of witnesses in seriatim upon commencement of the sessions trial.

Thus, this Court would direct the Superintendent of Police, Rohtas to ensure that the remaining ten witnesses required in connection with S.Tr. No. 64/2013 arising out of Rohtas (Amjhor) P.S.Case No. 80/2007 are produced within a maximum period of four months from the date of receipt of this order so that the evidence of the prosecution is closed within a period of six months. The trial court must make all its endeavour to conclude the trial of the petitioner within a period of nine months from the date of receipt of this order.

With the aforementioned observation and direction, this application is dismissed.

Let a copy of this order be sent not only to the trial court but also to the Superintendent of Police, Rohtas for its compliance in letter and spirit.

(Mihir Kumar Jha, J)

surendra/-

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