

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45507 of 2015

Arising Out of PS.Case No. -364 Year- 2012 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Jagarnath Patel son of late Jamuna Patel resident of village - Durgawaliya, Police Station - Shikarpur, District - West Champaran.
 2. Bholu Patel son of late Khobhari Patel resident of village - Sukhlahi, Police Station - Mainatand, District - West Champaran.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Ajay Kr.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 02-12-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Earlier the prayer for bail of these petitioners was rejected near about four times and again this bail petition has been filed on the ground that petitioners are in jail custody since 09.11.2012 but up till now, the trial could not be concluded in spite of specific direction of this court to the trial court for concluding the trial of the petitioner within six months.

The impugned order of learned trial court reveals that order dated 14.01.2015 passed by this court in Cr. Misc. No. 1256 of 2015 was received in the trial court on 23.04.2015 and the



case is still pending for recording the statement of informant, investigating officer as well as doctor. It is not out of place to mention here that when this court passed the order dated 14.01.2015 in Cr. Misc. No. 1256 of 2015, the trial of the petitioners was pending for recording the evidence of investigating officer, informant and some other witnesses and, therefore, the present position of the case reflects that there is no satisfactory progress in the trial of the petitioners.

However, taking note of the allegation levelled against the petitioners as well as submissions of the parties, the prayer for bail of the petitioners is again rejected with direction to the trial court to conclude the trial of the petitioners within three months from the date of receipt/production of copy of this order, failing which the matter shall be viewed seriously.

The Superintendent of Police, Bettiah, West Champaran is directed to ensure the presence of remaining prosecution witnesses of Sessions Trial No. 603 of 2013 arising out of Shikarpur P.S. Case No. 364 of 2012 before the court of learned Additional Sessions Judge-III, Bettiah, West Champaran within a month from the date of receipt/production of copy of this order. Any failure on the part of Superintendent of Police, Bettiah, West Champaran shall be viewed seriously and if the prosecution

case fails due to non examination of the aforesaid prosecution witnesses, the entire responsibility shall go upon the shoulder of concerned police official. However, if the trial of the petitioners is not concluded within the above stated period, the petitioners may renew their prayer for bail.

Let copy of this order be sent to Superintendent of Police, Bettiah, West Champaran as well as concerned court without any delay.

(Hemant Kumar Srivastava, J)

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