

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26534 of 2015

Arising Out of PS.Case No. -67 Year- 2014 Thana -MAHILA P.S District- SUPAUL

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1. Baidyanath Sah @ Baidhnath Sah @ Baijnath Sah, S/o Rameshwar Sah,
resident of village and P.O. Sukhpur, P.S. and Distt. Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A.K. Sinha, Sr. Advocate
Mr. Ranjan Kumar

For the State Mr. Braj Kishore Prasad(App)

For the Informant Mr. Pawan Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 14.10.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State and also heard learned counsel
for informant.

Earlier prayer for bail of the petitioner was rejected taking
note of this fact that there was specific allegation of rape against him
but second bail petition has been filed on behalf of the petitioner on
the ground of his detention in jail custody.

Trial court has reported that charge was framed on
20.10.2014 but up till now, only three prosecution witnesses could be
examined. Informant as well as her other family members are still to
be examined. Trial court has also reported that in spite of issuance of
summons and warrant of arrest, aforesaid witnesses are not appearing
before trial court.

Presence of learned counsel for the informant goes to show

that informant only wants to keep the petitioner behind the bar without any progress in trial because if the informant is interested in trial, she would have appeared before trial court for giving her evidence.

However, taking note of the aforesaid facts and circumstances as well as submissions of the parties, prayer for bail of the petitioner in connection with Sessions Trial no. 204/2014 arising out of Supaul Mahila P.S. Case no. 67/2014 pending in the court of Addl. Sessions Judge I, Supaul/concerned court stands disposed of with direction to trial court to conclude the trial of the petitioner within two months from the date of receipt/production of a copy of this order even by taking trial of the petitioner on day to day basis and furthermore, informant shall produce her all witnesses except official witnesses before trial court within a period of one month, failing which trial court shall be at liberty to pass appropriate order on the prayer of bail, if any prayer is made on behalf of the petitioner.

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(Hemant Kumar Srivastava,J)

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