

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18962 of 2014

Arising Out of PS.Case No. -406 Year- 2011 Thana -BIHPUR District- BHAGALPUR

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1. Diwash Thakur Son of Sri Lakho Thakur R/o Balwa Tola- Dudheila,
P.S. Bihpur, District-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Thakur

For the Opposite Party/s Mr. Sangeeta Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

08/ 01.04.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Earlier prayer for bail of the petitioner was twice rejected by
this court but while rejecting prayer for bail of the petitioner vide
order dated 16.1.2013 passed in Cr. Misc. no. 45417/2012 this court
directed the trial court to expedite trial of the petitioner who is in jail
custody sine 3.1.2012.

The trial court has reported that charges were framed
against the petitioner on 17.7.2012 and out of 12 proposed prosecution
witnesses, only nine prosecution witnesses were produced and case is
pending for recording the evidence of prosecution witness no.9 and to
procure the attendance of witness no.9, almost all processes have
already been issued and the petitioner is said to be the main assailant
and, therefore, taking note of the aforesaid facts and circumstances as
well as submissions of the parties, I am, again, not inclined to grant

privilege of bail to the petitioner in connection with Sessions Trial no. 527/2012 arising out of Bihpur P.S. Case no. 406/2011 pending before the Addl. Sessions Judge IV, Naugachia District Bhagalpur and accordingly, his prayer for bail in connection with the above stated case stands rejected.

However, trial court is directed to conclude the trial of the petitioner within six months from the date of receipt/production of a copy of this order, failing which the petitioner shall be entitled to renew his prayer for bail before the court below itself.

Let a copy of this order be sent to Superintendent of Police, Naugachia with direction to him to ensure presence of remaining prosecution witnesses of Bihpur P.S. Case no. 406/2011 corresponding to Sessions Trial no. 527/2012 before Addl. Sessions Judge IV, Naugachia District Bhagalpur within three months from the date of receipt/production of a copy of this order.

It is made clear that any failure on the part of Superintendent of Police, Naugachia shall be viewed seriously.

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(Hemant Kumar Srivastava,J)

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