

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34717 of 2014

Arising Out of PS.Case No. -20 Year- 2010 Thana -JURAWNPUR District- VAISHALI(HAJIPUR)

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Kaleshwar Rai son of late Visheshwar Rai resident of village Raghapur
East, P.S. Jurawanpur Dist. Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s Mr. Satyendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 11.03.2015

Heard learned counsel for the petitioner as well as learned

Addl. Public Prosecutor for the State.

Several time prayer for bail of the petitioner was rejected by this court taking note of allegation levelled against him and this court directed the trial court to conclude the trial of the petitioner as early as possible but still trial of the petitioner is pending.

Learned Addl. Sessions Judge VII, Vaishali at Hajipur vide his letter no. 26/2015 dated 19.2.2015 has reported that earlier five prosecution witnesses were examined by the prosecution but in the meantime, a petition under section 319 of the Cr.P.C was filed which was allowed by the then Fast Track court II vide order dated 31.7.2014 and thereafter process was issued against co-accused Shibu Rai and case was pending for appearance of co-accused Shibu Rai. It has further been reported that case of the petitioner was separated on 18.2.2015 and now, case of the petitioner is pending for recording the depositions of four prosecution witnesses. The trial court has sought

six months' time to conclude the trial of the petitioner.

Learned counsel for the petitioner submits that petitioner is in jail custody since 2.12.2010 and the prosecution only wants to keep the petitioner behind the bar without any substantive progress in the trial of the petitioner.

Since only four prosecution witnesses including Investigating officer have been left to be examined and trial court has sought six months' time to conclude the trial of the petitioner, I do not feel it proper to release the petitioner on bail and accordingly, his prayer for bail in connection with Sessions trial no. 297/2011 arising out of Jurawanpur P.S. case no.20/2010 presently, pending in the court of Addl. Sessions Judge V, Vaishali at Hajipur stands rejected.

However, it is made clear that if trial of the petitioner is not concluded within the above stated period of six months, petitioner may renew his prayer for bail before the court below itself.

Let a copy of this order be sent to Superintendent of Police, Vaishali at Hajipur with direction to him to ensure the presence of all remaining prosecution witnesses of Sessions trial no. 297/2011 arising out of Jurawanpur P.S. case no.20/2010 before the concerned court within two months from the date of receipt of this order. Any failure on the part of Superintendent of Police, Vaishali at Hajipur shall be viewed seriously.

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(Hemant Kumar Srivastava,J)

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