

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51061 of 2014

Arising Out of PS.Case No. -53 Year- 2010 Thana -BAUNSI District- BANKA

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1. Prakash Yadav Son of Laxman Yadav Resident of Village - Mahguri,
P.S- Bounsi, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 28-01-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Earlier the prayer for bail of the petitioner was twice
rejected by this court and while rejecting the prayer for bail of the
petitioner vide order dated 18.06.2014 passed in Cr. Misc. No.
11343 of 2014, this court directed the trial court to conclude the
trial of the petitioner but up till now Sessions Trial No. 96 B of
2011 is pending before the trial court. Furthermore, I find that
when petitioner filed Cr. Misc. No. 11343 of 2014, the trial court
reported that 14 prosecution witnesses could be examined and the
trial is pending for recording the evidence of informant,

investigating officer and some other prosecution witnesses.

It is very shocking to see that the trial court reported vide its letter dated 12.01.2015 that up till now only 15 prosecution witnesses out of 20 prosecution witnesses could be examined and the matter is still pending for recording the evidence of informant, investigating officer and the doctor.

It is a serious case of murder of five persons and petitioner is named in the first information report with allegation that he, too, participated in the alleged crime. Therefore, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Sessions Trial No. 96 B of 2011 arising out of Bounsi P.S. Case No. 53 of 2010 is again rejected.

However, the trial court is directed to conclude the trial of the petitioner as early as possible, preferably within three months from the date of receipt/production of copy of this order even by taking the trial of the petitioner on day to day basis.

Let copy of this order be sent to Superintendent of Police, Banka with direction to him to ensure the presence of remaining prosecution witnesses of Sessions Trial No. 96 B of 2011 arising out of Bounsi P.S. Case No. 53 of 2010 before the court of Additional Sessions Judge-VI, Banka within a month from the date of receipt/production of copy of this order. Any

failure on the part of Superintendent of Police, Banka as well as
learned trial court shall be viewed seriously.

(Hemant Kumar Srivastava, J)

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