

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33511 of 2014

Arising Out of PS.Case No. -639 Year- 2012 Thana -AHIAPUR District- MUZAFFARPUR

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Ajay Rai @ Ajay Kumar Son of Shiv Narayan Rai Resident of Village -
Sahbajpur, Police Station - Ahiyapur, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Opposite Party/s : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 12-08-2015 Heard learned counsel for the parties as also perused the
report of the court below dated 21st July, 2015.

Considering the fact that the trial of the petitioner has
already commenced by examining two of the twelve witnesses and
thereafter co-accused had absconded, as a result whereof their bail
bonds have been cancelled, this Court would not find the
prosecution to be at fault in not concluding the trial within the
time frame fixed by this Court. The trial court, however, in its
report dated 21.7.2015 has indicated that a period of six months
should be sufficient for concluding the trial.

Considering the recovery of 35 packets (grams) of Heroin
while this Court is not inclined to grant bail to the petitioner,
inasmuch as whatever was to be considered on merits has already
been done earlier in course of rejecting the prayer of bail to the

petitioner, it would however direct the Sr. Superintendent of Police, Muzaffarpur to ensure that whatever witnesses are required to be produced in connection with the trial of the petitioner arising out of Ahiyapur P.S.Case No. 639/2012 (Trial No. 45/2015) must be produced before the trial court (3rd Addl. Sessions Judge, Muzaffarpur) within a period of four months from the date of receipt of this order. The trial court is also directed to conclude the trial in a period of six months from the date of receipt of this order.

It, however, goes without saying that if the trial of the petitioner is not concluded in the aforesaid period of six months, the petitioner shall be at liberty to renew his prayer for bail before this Court.

With the aforementioned observation and direction, this application is disposed of.

Let a copy of this order be not only sent to the Sr. Superintendent of Police, Muzaffarpur but also to the trial court for its compliance in letter and spirit.

(Mihir Kumar Jha, J)

surendra/-

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