

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34031 of 2014

Arising Out of PS.Case No. -65 Year- 2009 Thana -SANOKHAR District- BHAGALPUR

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1. Subhash Das Son of Sukhdeo Das Resident of Village - Madarganj, P.S.-
Amdanda (Sanokhar), District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s Mr. U.S.P.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 20.01.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Considering the allegation levelled against this petitioner in
fardbeyan of the informant, I am not inclined to grant privilege of bail
to the petitioner and accordingly, his prayer for bail in connection with
Sessions Trial no. 410 of 2010 / Tr. no. 331 of 2013 arising out of
Sanokhar (Amdanda) P.S. Case no. 65/2009 pending in the court of
the Addl. Sessions Judge I, Bhagalpur stands rejected.

However, it would appear from perusal of the report of the
Addl. Sessions Judge I, Bhagalpur that except the Investigating officer
and doctor, almost all prosecution witnesses have already been
examined and so far as Investigating officer and doctor are concerned,
to procure their attendance, the concerned court had already issued
summons to them but they did not appear nor any execution report
was submitted before the concerned court.



Therefore, in the aforesaid circumstance, Addl. Sessions Judge I, Bhagalpur is directed to take coercive steps including issuance of warrant of arrest against the above stated Investigating officer and doctor within one week from the date of receipt/production of a copy of this order or next date fixed in the case and if the learned trial court does so, Sr. Superintendent of Police, Bhagalpur must ensure the execution of the process issued against the above stated officials without any delay and shall ensure presence of the aforesaid witnesses before the concerned court within three weeks from the date of receipt of the aforesaid process in the office of Sr. Superintendent of Police, Bhagalpur and furthermore, after examination of the aforesaid prosecution witnesses, learned trial court must conclude the trial of the petitioner within one month from the date of completion of prosecution evidence.

However, it is made clear that if trial of the petitioner is not concluded within the period as fixed by this court, petitioner may renew his prayer for bail before the learned trial court itself and trial court shall consider regular bail application of the petitioner taking note of period of custody of the petitioner.

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(Hemant Kumar Srivastava,J)

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