

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15446 of 2015

Arising Out of PS.Case No. -283 Year- 2012 Thana -ALAMGANJ District- PATNA

Ravi @ Ravi Kumar @ Tavi son of Shri Suresh Sao @ Karmvir Sao resident of Mohalla Chaili Tard, P.S. Alamganj, District Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Ms. Sahin Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-06-2015

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in connection with Sessions Trial No.655 of 2013 arising out of Alamganj P.S. Case No.283 of 2012 in which charges have been framed for the offences punishable under sections 302 read with 34 and 201 of the Indian Penal Code. The prayer for bail of the petitioner was earlier rejected on merits by this court by order dated 13.1.2014 passed in Cr. Misc. No.43271 of 2013.

It has been contended that though charges were framed on 12.8.2013 but till date no prosecution witness has been examined during trial. In respect of delay caused in holding the trial a report was called for from the trial Judge vide order dated 15.4.2015. The trial



Judge has reported that after framing of charge summonses were issued to the chargesheeted witnesses on 13.8.2013. Since no witness appeared despite issuance of summons, bailable and non-bailable warrant of arrest were issued on 19.8.2014 and 24.12.2014 respectively against non-official witnesses, but despite that none appeared to depose before the court.

As the administration of criminal justice system casts a constitutional obligation upon the State to ensure speedy trial of criminal cases, the Court vide order dated 13.5.2015 requested the learned Principal Additional Advocate General to take appropriate steps in the matter. Today, when the matter has been taken up a copy of letter no.213 dated 18.5.2015 has been produced by the learned Additional Public Prosecutor in order to show that immediately after the order dated 13.5.2015 appropriate steps have been taken by the learned Principal Additional Advocate General in order to ensure production of witnesses before the Trial Court without any delay.

Having regard to the facts and circumstances of the case specially keeping in mind serious nature of allegation, I am not inclined to grant bail to the petitioner for the present. Accordingly, the prayer for bail is rejected.

However, if the prosecution fails to produce witnesses before the Trial Court within nine months from today, the petitioner

would be at liberty to renew his prayer for bail before the Trial Court
itself.

(Ashwani Kumar Singh, J)

Md.S./-

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