

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44439 of 2014

Arising Out of PS.Case No. -316 Year- 2012 Thana -BAKHTIYARPUR District- PATNA

- =====
1. Suresh Yadav Son of Late Durga Yadav
 2. Dhalo Yadav @ Adalat Yadav R/o Madhopur, P.S. Barh, Bakhtiyarpur, District Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey
For the Opposite Party/s : Mr. S.D.Singh Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 08-04-2015 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners are languishing in jail custody since 01.12.2012 but according to report of trial court, up till now only one prosecution witness could be examined.

The trial court has reported that charges were framed on 17.09.2014 and after framing of the charges, the trial of the petitioners is pending for prosecution evidence but due to frequent transfer of the concerned record, the trial could not proceed ahead.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I do not feel it proper to release



the petitioners on bail and hence, their prayer for bail stands rejected on the grounds mentioned by me in my previous order dated 19.03.2014 passed in Cr. Misc. No. 22406 of 2013 and analogous cases.

However, the learned trial court i.e. Additional Sessions Judge-V, Barh, Patna is directed to expedite the Sessions Trial No. 358 of 2014 arising out of Bakhtiyarpur P.S. Case No. 316 of 2012 and try to conclude the same as early as possible, preferably within nine months from the date of receipt/production of copy of this order.

Copy of this order be sent to A.S.P, Barh/Dy.S.P, Barh, District Patna with direction to him to ensure the presence of prosecution witnesses of aforesaid Sessions Trial No. 358 of 2014 arising out of Bakhtiyarpur P.S. Case No. 316 of 2012 before the court of Additional Sessions Judge-V, Barh, Patna within four months from the date of receipt of this order. Any failure on the part of the trial court as well as concerned police official shall be viewed seriously.

However, it is made clear that if the trial court fails to conclude the trial of the petitioners within the aforesaid period of nine months due to laches of the prosecution, the petitioners may renew their prayer for bail before the learned trial court itself.

Let this order be communicated to the court of Additional Sessions Judge-V, Barh, Patna as well as A.S.P, Barh/Dy.S.P, Barh, District Patna through FAX at the cost of the petitioners.

(Hemant Kumar Srivastava, J)

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