

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2372 of 2016

Arising Out of PS.Case No. -87 Year- 2004 Thana -PATORI District- SAMASTIPUR

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1. Bishawmbhar Singh Son of Late Narayan Singh Resident of Village-
Matiour, P.S. Mohiuddin Nagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 11-05-2016

Heard.

The trial court has reported that only doctor and two investigating officers have been left to be examined and to procure the attendance of the prosecution witnesses, processes have been issued.

Learned counsel appearing for the informant informs this Court that one I.O has been examined by the prosecution on 07.04.2016 and, now, the case is pending for examination of one I.O and doctor. It is further submitted that the prosecution has already taken steps to examine the aforesaid remaining prosecution witnesses within a very short span of time.

Petitioner is said to be main assailant but he is in jail custody since 24.11.2011 and it is well known preposition of law that no person can be detained in jail for an indefinite period in the

name of trial unless the presence of aforesaid persons is required. However, in this case only two prosecution witnesses, i.e., two official witnesses have been left to be examined and the previous conduct of the petitioner was not very good because the petitioner could be remanded in this case after seven years of the occurrence and, therefore, in the aforesaid circumstance, I do not feel it proper to release the petitioner on bail and hence, his prayer for bail in connection with Session trial no. 183 of 2008/88 of 2012, arising out of Patory P.S.Case No. 87 of 2004, pending in the court of 2nd Additional Sessions Judge, Samastipur, is again rejected.

However, the learned trial court is directed to expedite the trial of the petitioner and conclude the same as early as possible, preferably, within a period of one month 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, Samastipur, with direction to him to ensure the presence of remaining prosecution witnesses of the aforesaid case within two weeks from the date of receipt/ production of copy of this order, failing which the matter shall be viewed seriously.

(Hemant Kumar Srivastava, J)

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