

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.5828 of 2016**

Arising Out of PS.Case No. -115 Year- 2014 Thana -MUFFASIL District- AURANGABAD

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1. Kuku Kharwar @ Kukuwa Kharwar, son of Late Jhamlal Kharwar  
2. Pintu Kharwar, son of Late Firangi Kharwar. Both are resident of  
Village- Gajbore Bigha Barun, P.S.- Barun, District- Aurangabad.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Abhay Kumar

For the Opposite Party/s : Mr. Anil Pd. Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

2      27-04-2016                      Heard learned counsel for the petitioners as well as  
  
learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the  
offences punishable under Section 395 of the Indian Penal Code.

Earlier the prayer for bail of the petitioners was  
rejected by this court but again this petition has been filed on the  
ground that charge against the petitioners was framed on  
30.03.2015 but up till now, no prosecution witness could be  
examined, particularly, in the circumstance, when petitioners are  
in jail custody since 15.07.2014.

The impugned order shows that trial has already  
commenced and, therefore, I am not inclined to release the

petitioners on bail, at least, at this stage and hence, their prayer for bail in connection with Aurangabad (Muffasil) P.S. Case No. 115 of 2014 corresponding to Sessions Trial No. 385 of 2014/334 of 2014 pending in the court of learned Additional Sessions Judge-V, Aurangabad is again rejected.

However, learned trial court is directed to expedite the trial of the petitioners and try to conclude the same as early as possible.

Let a copy of this order be sent to Superintendent of Police, Aurangabad with direction to him to ensure the presence of prosecution witness of aforesaid case before the court of Additional Sessions Judge-V, Aurangabad, failing which the matter shall be viewed seriously.

**(Hemant Kumar Srivastava, J)**

SHAHZAD/-

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