

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18940 of 2015

Arising Out of PS.Case No. -41 Year- 2013 Thana -GAMAHARIYA District- MADHEPURA

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Kari Yadav, S/o Late Mohan Yadav, R/o Village - Fulkaha, P.S. - Gamhariya,
District - Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 12-08-2016

Heard learned counsel for the parties.

The petitioner seeks bail in connection with Gamahariya
P.S.Case No 41 of 2013 dated 24.03.2013 instituted under Sections
302/34 of the Indian Penal Code.

This is the second attempt of the petitioner for bail as
earlier such prayer was rejected by order dated 03.09.2014 in Cr.
Misc. No. 15093 of 2014 with a direction to the court below to
expedite the trial and conclude the same within six months. The same
not having been done, a report was called for from the court below.
The same has been received from the Additional Sessions Judge 1st,
Madhepura dated 29.04.2016.

According to the report, out of 09 prosecution witnesses, 07
have been examined by 28.03.2016.

In view of the aforesaid, there being substantial progress in

the trial, the Court is not inclined to grant bail to the petitioner. Accordingly, the application stands dismissed.

However, this Court feels that the trial court has been casual in its approach towards disposal of the case, since after examining the last witness on 28.03.2016, for more than one month, when the report was sent on 29.04.2016, there has been no development. It clearly indicates lack of control over the court proceeding by the trial court. Moreover, no dates having been shown with regard to the conduct of the trial, gives the impression that the trial court is not conducting the case on day to day basis, which was required to be done, since already the time granted for concluding the trial had elapsed much back.

Be that as it may, this Court, for the present, grants indulgence to the trial court to ensure that trial is concluded by 31.10.2016. Failure to do so may persuade this Court to take a strict view and pass appropriate orders

Let the order be communicated to the Court below by Fax also latest by 17.08.2016.

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	