

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12874 of 2016**

Arising Out of PS.Case No. -184 Year- 2014 Thana -MAIRWA District- SIWAN

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Tribhuwan Shahi @ Tribhuwan Pratap Shahi, Son of Late Narayan Ji Prasad Shahi, Resident of Village- Langarpura, P.S.- Mairwa, District- Siwan.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Aaruni Singh, Advocate

For the Opposite Party : Mr. Arun Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

4 28-09-2016

Heard Mr. Ajay Kr. Thakur, the learned counsel

for the petitioner, the learned Additional Public Prosecutor as well as Mr. Rajesh Kumar, learned counsel appearing on behalf of respondent.

The petitioner seeks bail in Sessions Trial no. 174 of 2015 arising out of Mairwa P.S. case no. 184 of 2014 registered under Sections 302 and other Sections of the Indian Penal Code and Section 27 of the Arms Act.

The prayer for bail of the petitioner was earlier rejected vide order dated 30.04.2015 passed in Cr. Misc. no. 8178 of 2015. By the aforesaid order, the Trial Court was directed to expedite the trial and conclude the same within one year from the

date of receipt/ production of a copy of this order. Thereafter again, petitioner filed a petition for grant of bail vide Cr. Misc. no. 24342 of 2015 and the same was dismissed as withdrawn vide order dated 22.05.2015. The petitioner again filed this petition for grant of bail.

Sri A.K. Thakur, learned counsel for the petitioner submits that even after lapse of one and a half years from the date of the order i.e. 30.04.2015, the prosecution has examined only 05 witnesses out of 13 witnesses till date and 08 witnesses are yet to be examined.

The entire order sheet of the Trial Court has been annexed with the bail petition by filing supplementary affidavit and it is submitted that on the one pretext or other, the prosecution took adjournment. The prosecution also filed petition for transfer of the case. Thereafter, prosecution filed petition under Section 319 of the Code of Criminal Procedure of some other accused persons who are facing trial in the present case.

On the other hand, learned counsel for the informant and learned Additional Public Prosecutor opposed the prayer for bail and submitted that the prosecution is ready to examine all the witnesses within six months from the date of receipt of this order.



Considering the facts and nature of allegation as alleged in the petition, I am not inclined to enlarge the abovenamed petitioner on bail and accordingly, the same is rejected. Learned 2<sup>nd</sup> Additional District & Sessions Judge, Siwan is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order. The Superintendent of Police, Siwan is directed to ensure the attendance of all the remaining prosecution witnesses of Sessions Trial no. 174 of 2015 arising out of Mairwa P.S. case no. 184 of 2014 one by one so that the trial must be concluded within six months. If on any date, the prosecution failed to bring any witness, the lower court shall approach this Court.

Let this order be sent to the 2<sup>nd</sup> Additional District & Sessions Judge, Siwan as well as Superintendent of Police, Siwan for information and needful. If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

**(Prabhat Kumar Jha, J.)**

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