

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 31371 of 2016

Arising Out of PS.Case No. -397 Year- 2004 Thana -LAKHISARAI District- LAKHISARAI

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Shambhu Singh Son of Ram Nandan Singh Resident of village - Samandih,
Police Station Lakhisarai, District - Lakhisarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. D.P.Tiwari

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 17-08-2016 Heard Sri Nachiketa Jha, learned counsel for the

petitioner and Sri Damodar Pd. Tiwari, learned Addl. Public

Prosecutor.

This is the 4th attempt on behalf of petitioner for grant
of bail. Earlier, on 26-09-2014, his bail petition, vide Cr. Misc.
No. 22566 of 2014 was rejected on merit as well as on the ground
that in this case, which was registered in the year 2004, the
petitioner could be arrested in 2014. Once on merit, the prayer for
bail was rejected, thereafter petitioner filed earlier two bail
petitions, which too stood dismissed. In the last bail petition i.e.
Cr. Misc. No. 50929 of 2015, it appears that incorrectly learned
counsel for the petitioner had made statement that during the trial,
two witnesses were already examined. Thereafter, in the present
case, by order dated 27-07-2016, a report was called for from the

court below regarding the stage of the case, which has been received and kept at flag 'G'. The report dated 03-08-2016 of the learned Addl. Sessions Judge-III, Lakhisarai makes it clear that the case is fixed for evidence and processes have been issued for securing attendance of the witnesses.

In view of the fact that after framing of charge, trial has commenced and the case is fixed for evidence, there is no reason to renew my earlier order.

The petition stands dismissed.

While dismissing the present petition, keeping in view the fact that petitioner is in custody since 13-02-2014, it is desirable to observe that learned trial court may take step so that the trial may come to its logical end without any delay. While proceeding, the trial court is required to take up the matter at least twice in a week. The concerned Superintendent of Police is also directed to ensure attendance of witnesses as and when required by the learned trial court.

Let a copy of this order be sent to the concerned Superintendent of Police.

(Rakesh Kumar, J.)

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