

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31126 of 2016

Arising Out of PS.Case No. -93 Year- 2015 Thana -BANGAON District- SAHARSA

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1. Balram Khan son of Late Anugrah Khan resident of Village- Parari, P.S.
- Bangaon, District-Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Smt. Gulnar Begam

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 19-10-2016

Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel,
appearing for the informant.

Earlier prayer for bail of the petitioner was rejected
by this court vide order dated 26-02-2016 passed in Cr. Misc. No.
7358 of 2016 and it is submitted on behalf of the petitioner that the
petitioner is languishing in jail custody since 21-12-2015 but uptill
now, his trial has not been concluded. It is further submitted that
no doubt, the petitioner is named in the first information report but
no specific overt act has been attributed against him.

Learned counsel, appearing for the informant
vehemently opposed the prayer pointing out that the trial of the
petitioner is going on in full swing and out of 10 proposed
prosecution witnesses, five prosecution witnesses have already
been examined and so far as rest prosecution witnesses are

concerned; the trial court is vigilant to take evidence of remaining prosecution witnesses.

The trial court vide letter No. 95 dated 27-09-2016 has reported that five witnesses have already been examined and the examination of prosecution witness No. 6 is going on. The aforesaid fact goes to show that the trial of the petitioner is going on smoothly and, therefore, considering the aforesaid facts and circumstances of the case as well as submission of the parties, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Bangaon P.S. Case No. 93 of 2015 is, again, rejected.

However, learned trial court should expedite the trial of the petitioner and try to conclude the same as early as possible, preferably, within three months from the date of receipt/production of copy of this order, failing which, the petitioner shall be at liberty to renew his prayer for bail before the learned trial court itself.

However, it is made clear that the prosecution must adduce his entire evidence within two months from the date of receipt/production of copy of this order.

(Hemant Kumar Srivastava, J)

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