

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18834 of 2015

Arising Out of PS.Case No. -111 Year- 2013 Thana -DHANARUA District- PATNA

Nagendra Yadav Son of Late Mathura Yadav, Resident of Village - Pabhera, P.S. -
Dhanarua, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.

Mr. Imtiyaz Ahmad, Advocate

For the Opposite Party/s : Mr. Narsing Tanti, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 05-07-2016

Heard learned counsel for the parties.

The petitioner seeks bail in Dhanarua P.S. Case No.
111 of 2013 dated 24.03.2013 instituted under Sections
147/148/149/341/302 of the Indian Penal Code and 27 of the Arms
Act.

This is the second attempt for bail of the petitioner as
earlier such prayer was rejected on 01.08.2014 in Cr. Misc. No.
11735 of 2014 with a direction to expedite the trial and conclude the
same within six months. When the same was not done, the Court by
order dated 16.03.2016 had called for a report from the Court below.
Pursuant to the same, under Letter No. 309 dated 4th April, 2016, the
Additional District and Sessions Judge, 7th, Patna has informed that

after framing of charge on 11.03.2015, the prosecution has failed to produce even a single witness despite the issuance of warrant of arrest against them.

Learned counsel for the petitioner submits that they are suffering from no fault of theirs. Though, the contention of learned counsel may be correct that due to the fault and laches on the part of the prosecution, the trial has not been concluded, but taking a holistic and overall view of the matter and also considering the reasons given in the last order by which the prayer for bail was rejected, this Court is not inclined to enlarge the petitioner on bail and accordingly, the application stands dismissed.

However, the Court deems it appropriate to direct the trial Court to ensure that the trial is concluded latest by the end of the year. This Court would only indicate that the trial Court has sufficient power under law to ensure that the trial is expedited and concluded expeditiously even in the face of non-cooperation by either of the parties. Thus, the trial Court should exercise all such powers vested in it to ensure that the direction of this Court to conclude the trial within the time fixed is positively complied with. To facilitate matters, this Court also deems it appropriate to direct the Senior Superintendent of Police, Patna to ensure that the chargesheet witnesses are produced before the trial Court for their examination on

the dates so fixed.

Registry shall communicate the order to the Court below as well as the Senior Superintendent of Police, Patna through Fax also latest by tomorrow for strict compliance.

(Ahsanuddin Amanullah, J)

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