

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44051 of 2015

Arising Out of PS.Case No. -101 Year- 1994 Thana -DARIYAPUR District- SARAN

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1. Bishwanath Baitha son of Late Rekha Baitha
2. Nanda Baitha son of Late Banarsi Baitha
Both resident of village Durbela P.S. Dariyapur District Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar
For the Opposite Party/s Mr. M.Rab(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 04.01.2016 Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State.

Present case was registered in the year 1994 and charge sheet against the petitioners was submitted in the year 1996 and after submission of charge sheet, trial court exhausted all the processes to procure the attendance of the petitioners but due to non-cooperative approach of the concerned police official, learned trial court failed to procure the attendance of the petitioners.

Moreover, petitioners voluntarily surrendered before the court below on 19.8.2015 and since then they are languishing in jail custody.

Regard being had to the facts and circumstances as well as taking note of the conduct of the petitioners, I am not inclined to release them on bail and accordingly, their prayer for bail in

connection with Dariyapur P.S. Case no. 101/1994 pending in the court of Sri Vivek Rai, Judicial Magistrate, Ist Class, Saran at Chapra/ concerned court stands rejected, at least, at this stage.

However, the learned trial court is directed to expedite the trial of the petitioners and try to conclude the same as early as possible, preferably, within six months from the date of receipt/production of a copy of this order and if trial court fails to conclude the trial of the petitioners within the above stated period of six months due to fault and laches of the prosecution, petitioners may renew their prayer for bail before trial court itself.

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(Hemant Kumar Srivastava,J)

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