

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39308 of 2015

Arising Out of PS.Case No. -197 Year- 2013 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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Bheem Patel @ Rahul Kumar @ Premdeep Patel son of Kailash Patel @
Kailash Prasad, resident of village- Bnuchhapar, Police Station- Bettiah
Mufassil, District- West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Gautam, Advocate

For the Opposite Party/s : Mr. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 05-12-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Sessions Trial No.961 of 2013 arising out of Bettiah Mufassil P.S. case No.197 of 2013 instituted for the offence under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of learned Additional Sessions Judge 4th, Bettiah, District West Champaran.

Earlier the bail application of the petitioner was rejected vide Annexure-1 to the present application. This is the second attempt for grant of bail on behalf of the petitioner.

A report was called for from the Trial Court regarding the stage of the trial. It has been reported that all witnesses have



been examined except the informant and the Investigating Officer. It has further been reported that if the prosecution co-operates, the trial of the case can be concluded within a period of four months. Regarding the examination of these two witnesses, a letter has already been to the office of the Superintendent of Police, Bettiah, West Champaran.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.3.2013. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses against the petitioner. The petitioner has falsely been implicated in the present case. A delay tactics has been adopted by the informant. On the last date the counsel for the informant was present in the court. When the case was repeatedly called out the counsel for the informant was not present. Therefore, it is difficult to ascertain as to whether the informant is ready to adduce the evidence in the trial court or not.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and specific allegation has been attributed against the petitioner. It has further been submitted that it is a double murder case.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected,



but taking into account that the petitioner has already remained in custody for more than three and half years and the report of the trial court indicates that the prosecution is not co-operating with the court, it is directed that process be issued for examination of the remaining witnesses so that the trial could be concluded within a period of four months from the date of receipt/production of a copy of this order.

The District Magistrate, Bettiah, West Champaran and the Superintendent of Police, Bettiah, West Champaran are also directed to ensure that the remaining witnesses are examined within the stipulated period.

Let this order be communicated to the District Magistrate, Bettiah, West Champaran and the Superintendent of Police, Bettiah, West Champaran.

(Sudhir Singh, J)

Narendra/-

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