

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.28734 of 2016**

Arising out of PS.Case No. -136 Year- 2014 Thana -KUDRA District- BHABHUA (KAIMUR)

Aavinash Singh @ Avinash Kumar Singh, Son of Rambali Singh, resident of Village- Kanpura, Police Station- Kudra, District- Kaimur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Rajesh Kumar Pathak

For the Opposite Party : Mr. Sri Damodar Prasad Tiwary

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

3 31-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 02.08.2014 in connection with Kudra P.S. Case No. 136 of 2014 for the offences instituted under Section 364 of the IPC. Later on, Sections 364(A), 302 and 201 of the IPC were also added.

It is alleged by the informant that the accused persons kidnapped his elder brother's son, namely, Nitesh Kumar, aged about 17 years, and thereafter he was murdered.

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

A report was called for from the court below regarding the stage of the case. It has been reported that out of 25

prosecution witnesses, 20 witnesses have already been examined and within a period of six months the trial is going to be concluded.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Kudra P.S. Case No. 136 of 2014, corresponding o Sessions Trial No. 431 of 2014/275 of 2014, pending in the court of the learned Additional District & Sessions Judge-3<sup>rd</sup> , Kaimur at Bhabua. The court below is directed to take all necessary steps to conclude the trial preferably within a period of six months from the date of receipt/production of copy of the order, if necessary, on day to day basis.

The District Magistrate, Kaimur at Bhabua and the Superintendent of Police, Kaimur at Bhabua are also directed to take all necessary steps to produce the prosecution witnesses on the date fixed by the court below so that the trial could be concluded with the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Kaimur at Bhabua and the Superintendent of Police, Kaimur at Bhabua.

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**(Sudhir Singh, J)**