

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15848 of 2016

Arising Out of PS.Case No. -154 Year- 2013 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Subedar Mukhiya Son of Late Ram Bhaju Mukhiya Resident of Village -
Hasuaha, P.S. - Motihari, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Uday Chandra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 09-11-2016 Heard both sides.

The petitioner seeks bail in Motihari Muffasil P.S. Case
No. 154 of 2013 (S.Tr. No. 44/2016), registered for the offences
punishable under Sections 302 and 34 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier rejected
vide order dated 09.07.2014 passed in Cr. Misc. No. 28279 of
2014 and vide order dated 18.03.2015 passed in Cr. Misc. No.
6906 of 2015. The trial court was directed to expedite the trial and
conclude the same within a year from the date of receipt of the
order.

It is submitted that till date not a single prosecution
witness has been examined.



Sri Santosh Kumar, learned Additional Sessions Judge XIII, East Champaran, Motihari reported that the order passed in Cr. Misc. No. 6906/2015 was received in this court and the record was transferred to this court on 18.01.2016. On 01.02.2016, charges were framed against the accused and summons were issued to the charge-sheet witnesses but till date no prosecution witnesses have been examined.

It appears from the report itself that the learned Additional Sessions Judge XIII, East Champaran, Motihari sat over the matter and did not take any proper action for procuring the attendance of the witnesses, but since there is specific allegation against the petitioner that he assaulted the father of the informant with sword causing his death on the spot.

Considering the fact aforesaid, I am not inclined to enlarge the petitioner above named on bail, who is in custody since 27.12.2013. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and hold the trial on day to day basis and conclude the same positively within nine months from the date of receipt/production of a copy of this order.

The S.P., East Champaran, Motihari is also directed to ensure the attendance of all the witnesses of S.Tr. No. 44/2016,

arising out of Motihari Muffasil P.S. Case No. 154/2013.

The trial court is further directed to inform this court if the S.P., East Champaran, Motihari fails to procure the attendance of prosecution witnesses on any date.

Let a copy of this order be sent to the Trial Court as well as the S.P., East Champaran, Motihari.

If the trial is not concluded within nine months from the date of receipt of a copy of this order, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J.)

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