

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19170 of 2015

Arising Out of PS.Case No. -233 Year- 2013 Thana -NAWANGAR District- BUXAR

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1. Ganesh Nut @ Jataha
 2. Munna Nut.

Both sons of Jagat Nut, resident of Village: Sonbarsa, Nut Toli, P.S: Nawa Nagar, District: Buxar.

.... Petitioners.

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Satyendra Narayan Singh, Advocate.

For the State : Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 11-05-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners have been arrested in connection with Nawa Nagar (Sonbarsa) P.S. Case No. 233 of 2013 (S.Tr.No. 64/14/POCSO 3/14) for offence under Sections 342, 323, 324, 366(A), 368, 373 and 376/34 of Indian Penal Code.

Earlier by order dated 09.05.2014 prayer for bail of the petitioners was rejected with a direction to expedite the trial.

A report has been called for from the trial court. It has been reported that delay cause in disposal of case is due to non-production of witnesses by the prosecution and in this case summon was issued on 26.11.2014. Again on 10.08.2015 warrant



against non-examined witnesses was issued and Again on 08.10.2015 warrant against informant and on 03.02.2016 bailable warrant against witnesses through the S.P., Ballia and Buxar was issued. On 14.03.2016 a letter to S.P., Buxar with B/W was issued, but out of 15 prosecution witnesses altogether 11 witnesses have been examined in furtherance and execution of the process issued by the court. Service report of two witnesses, one of which already examined and one another is yet to be examined is received. Again direction to S.P. Buxar has been issued for execution of process and production of four non-examined witnesses including the informant with B/W on 14.03.2016 and next date fixed for prosecution evidence in this case on 13.05.2016.

Hence, it is apparent that delay cause for non-examination of the informant and even the State on repeated calls to ensure the attendance of the witnesses, but four witnesses not examined as yet. However, in the report it has not mentioned whether process issued by the court either respected or execution report was received or not.

However, taking into consideration the fact, the laches on the part of the informant for her non-examination and laches on the part of the State even steps taken by the court, the above

named petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each subject to satisfaction of the learned Additional District Judge-1st, Buxar, in connection with Nawa Nagar (Sonbarsa) P.S. Case no. 233 of 2013 (S.Tr.No. 64/14/POCSO) 3/14), subject to condition that if the informant does not appear on 13.05.2016 and her attendance could not be ensured by the State then the petitioners shall release on bail.

With this observation, the petition is disposed of.

Let a copy of order be sent to concerned S.P. as well as court concern.

m.p.

(Gopal Prasad, J)

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