

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26517 of 2017

Arising Out of PS.Case No. -300 Year- 2013 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Nagina Singh Son of late Dev Sharan Singh, Resident of Village-Bhabua,
Ward No.23. P.S. Bhabua, District Kaimur (Bhabua)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 11-10-2017 A supplementary affidavit is filed on behalf of the

petitioner.

Earlier the prayer for bail of the petitioner was rejected by this Court taking note of allegation levelled against him and again this Court is not inclined to release the petitioner on bail. Hence his prayer for bail in connection with Sessions Trial No. 420/564 of 2016 arising out of Bhabua P.S.Case No. 300 of 2013, G.R.No. 1056 of 2013 pending in the Court of learned Additional District and Sessions Judge-4, Kaimur at Bhabua, stands rejected.

The perusal of Annexure 1 goes to show that this Court while rejecting the prayer for bail of the petitioner on 09.11.2016 in Cr. Misc. No. 28482 of 2016 had given liberty to



the petitioner to renew his prayer for bail after six months if the trial is not concluded within the above said period due to laches of the prosecution.

Supplementary affidavit goes to show that on 26.08.2017 attendance of one prosecution witness was filed before the trial court but reasons known to the trial court, the aforesaid witness was not examined on that date and again on 28.08.2017 the attendance of prosecution witness no.3 was filed and the said witness was cross examined and thereafter the aforesaid witness was again produced on 04.09.2017 and after completion of his cross examination, the aforesaid witness was discharged.

It is informed on behalf of the petitioner that still near about four proposed witnesses have been left to be examined and there is no possibility of conclusion of trial of the petitioner in near future. It would appear from the above said facts that the trial court has taken the observation/direction of this Court very casually. Therefore, in the aforesaid circumstances, the trial court is directed to conclude the trial of the petitioner within a period of six months from the date of receipt/ production of a copy of this order even by taking the trial of the petitioner on day to day basis.

This order is passed in presence of the learned counsel appearing for the informant. Therefore, this Court expects



from the informant that he shall produce the witnesses before the trial court in time.

Let a copy of this order be sent to the Superintendent of Police, Kaimur at Bhabua with a direction to him to ensure the presence of remaining prosecution witnesses before the trial court within one month from the date of receipt/production of a copy of this order, failing which the matter shall be viewed seriously.

(Hemant Kumar Srivastava, J)

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