

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18252 of 2017

Arising Out of PS. Case No. -72 Year- 2009 Thana -UDWANTNAGAR District- BHOJPUR

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Ramadhar Singh @ Ramdhar Yadav Son of Late Bali Singh, Resident of
village - Raghunipur, P.S. Udwant Nagar, District - Bhojpur at Ara (Bihar)
.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Murlidhar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 22-11-2017 Heard learned counsel for the petitioner and counsel for
the State.

Perused the report of the Presiding Officer dated
26.8.2017.

In the present case, the petitioner is praying for bail in
connection with S. Tr. No. 113 of 2010 arising out of Udwant Nagar
P.S. Case No. 72 of 2009. Though there is a direct allegation against the
petitioner, learned counsel for the petitioner submits that the petitioner
has remained in judicial custody for five years and ten months and as
the two witnesses, namely, the Doctor and the Investigating Officer
have not been examined, on that account, the trial has not completed as
yet.

Production of witness is primarily the duty of the
prosecution and specially the District Magistrate and the Superintendent
of Police but, in the present case, it appears that the Presiding Officer



struggling hard in securing presence of the aforesaid two witnesses as every time the official witnesses are not turning up.

In that view of the matter, this Court directs the Superintendent of Police, Bhojpur, Ara as well as the District Magistrate, Bhojpur, Ara to produce the aforesaid two official witnesses within a period of three weeks from the date of receipt of this order, in failure to produce them, will be treated to be a contempt of Court and this Court will initiate a contempt proceeding against the District Magistrate as well as against the Superintendent of Police.

The Court below is also directed that whenever the two witnesses are examined, it must ensure the evidence should be completed on the date of their appearance even after the working hour. Equally, this Court also directs the defence side not to take any adjournment for cross-examination on the subsequent date and if such prayer is made, the Presiding Officer will reject the same. If the trial is not concluded within a period of three months, the trial court will submit a report to this Court and this Court will take action in accordance with law.

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

(Shivaji Pandey, J)

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