

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35518 of 2016

Arising Out of PS.Case No. -174 Year- 2013 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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Bigu Ram son of Sita Ram resident of Village-Dulama Tola, Gayaspur, P.S.-
Madhuban, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan No. 1, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 22-03-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in Madhuban P.S. Case No.
174 of 2013 dated 18.10.2013 instituted under Sections 376/511/34
of the Indian Penal Code.

3. This is the second attempt for bail of the petitioner as
earlier such prayer was rejected on 14.07.2014 in Cr. Misc. No. 9864
of 2014 with a direction to expedite the trial and conclude the same
within six months.

4. Earlier a report was called from the Court below with



regard to the status of the case. From the same, it transpires that prosecution witnesses have not been produced in spite of steps taken by the Court.

5. Learned counsel for the petitioner submitted that the informant has deposed and in the cross examination has stated that on the date of occurrence she has not met the petitioner.

6. Learned A.P.P. submitted that the informant/victim has alleged that she was assaulted and attempt was made to commit rape and while the petitioner was running away, he was caught by the villagers from the field.

7. Having regard to the aforesaid, the Court is not inclined to grant bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, in view of the fact that earlier a direction was given to conclude the trial expeditiously within six months, the same not having been done, a fresh direction is issued to the Court below to conclude the trial latest by 31st August, 2017. The Superintendent of Police, East Champaran, Motihari is also directed to ensure that all prosecution witnesses are produced before the Trial Court on the dates fixed. The Trial Court shall also ensure that short dates are fixed. The Court would indicate that the time limit being fixed for concluding the trial for the second time, shall be strictly



adhered to, failing which this Court may be constrained to take a strict view in the matter.

10. Registry shall communicate the order to the Court below as well as the Superintendent of Police, East Champaran, Motihari through Fax also latest by tomorrow.

(Ahsanuddin Amanullah, J)

Anjani/-

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