

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42921 of 2016

Arising Out of PS.Case No. -58 Year- 1997 Thana -LAKHISARAI District- LAKHISARAI

=====

1. Sapremi Mahto Son of Late Surdayal Mahto Resident of village -
Oraiya, P.S. Lakhisarai, District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Asharaf Ansari

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 18-01-2017 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor.

The application is for grant of bail in connection
with Lakhisarai PS case no. 58 of 1997 for the offence under
Sections 307, 302 and other sections of the Indian Penal Code and
27 of Arms Act.

It is submitted on behalf of petitioner that earlier he
was on bail in connection with Sessions trial no. 1132A/1997 but
lateron, he would have to go to earn his livelihood and as such, he
did not instruct his lawyer and left *pairvi* in this case, as such, his
bail bonds was cancelled and his case was separated from the case
of other accused persons. It is further submitted that this is a case
of misuse of 14 years and for that, he is in custody since



20.03.2014 and there is no likelihood of conclusion of trial in near future.

Heard learned A.P.P. also. Learned A.P.P. has opposed the prayer for bail.

Having heard both sides. From perusal of record, it appears that a report was called for and the report is received which shows that altogether 11 witnesses have been examined and only doctor and I.O. have not been examined in this case. It further appears that the court is vacant, however, as there is clear-cut circular by this Hon'ble that no court will be vacant and in-charge court has to exercise all the functions of the vacant court also. In above view of the matter, the court concerned is directed to take all possible steps for examination of I.O. and doctor and he should also raise this matter in the monitoring cell meeting and try to conclude the trial within a period of 03 months.

With these observations, this bail application is dismissed.

(Vinod Kumar Sinha, J.)

rinkee/-

U		T	
---	--	---	--

