

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33277 of 2016

Arising Out of PS.Case No. -17 Year- 1996 Thana -GOBARDHANA District- WEST
CHAMPARAN(BETTIAH)

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1. Radha Yadav @ Radhe Yadav Son of Late Indradeo Yadav Resident of
village- Bagahawatar, P.S.- Dhanha, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Sri Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 16-03-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in connection with
Goberdhana P.S. case no. 17/1996, registered under Section 364A
of the IPC.

The petitioner has long criminal antecedents. It is
submitted that he is in custody on surrender since last three years.
The trial has not recorded progress even thereafter. Even after his
incarceration for 03 years the trial Court has not recorded adequate
progress. In another case, the petitioner has been granted bail by
this Court vide order dated 15.12.2015 passed in Cr. Misc. No.
49577 of 2015. Under order dated 16-08-2016, the Court called
for the case diary as also the status report from the learned Trial



Court. In pursuance whereof, a communication dated 27.08.2016 of the learned Presiding Judge has been received (placed at Flag-G). It appears that the charges have been framed but no prosecution witness has been produced till date.

Considering the materials on record, I am not persuaded to extend him the privilege of bail. Learned Trial Judge shall endeavour to take up the case and record the evidence of all prosecution witnesses within 07 months from the date of receipt/communication of a copy of this order, failing which the petitioner shall have liberty to renew prayer for bail in the Court below itself which shall be considered by the Trial Court unprejudiced by the present order.

(Kishore Kumar Mandal, J)

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