

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23862 of 2017

Arising Out of PS.Case No. -61 Year- 2012 Thana -RUDRAPUR District- MADHUBANI

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KAFIL NAMAJI @ RAHMAT KAFIL @ WAKIL @ KAFIL NEYAZI
Son of late Safiur Rahman resident of Village - Harna, P.S. - Rudrapur,
District - Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 16-08-2017 Heard both sides.

The petitioner seeks bail in Rudrapur P.S. Case No. 61/2012 corresponding to Sessions Trial No. 402/2014/129/2013 and Sessions Trial No. 158/2014, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code.

Learned counsel for the petitioner submits that this is the third attempt of the petitioner for grant of bail. Prayer for bail of the petitioner was earlier rejected vide order dated 29.07.2015 passed in Cr. Misc. 34038/2015. Thereafter, the prayer for bail was rejected vide order dated 05.10.2016 passed in Cr. Misc. 21097/2016 with a direction to the trial court to conclude the trial



within six months from the date of receipt of this order, but the trial has not been concluded within six months. Thereafter, the petitioner again moved this court for grant of bail, on such a report was called for from the trial court as well as the Superintendent of Police, Madhubani. The Superintendent of Police, Madhubani reported that only four witnesses are to be examined and the trial is likely to be concluded very soon. The S.P., Madhubani has taken all steps for procuring the attendance of the witnesses. Learned Additional District & Sessions Judge VI, Madhubani has reported that the case was earlier pending in the court of Additional District & Sessions Judge IInd, Madhubani and thereafter, the case was transferred to this court, therefore, the trial could not be concluded within the stipulated time. The trial is going on day to day basis.

Considering the facts aforesaid that the trial is likely to be concluded within two months, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day-to-day basis and conclude the same within two months from the date of receipt of this order. The Superintendent of Police, Madhubani is directed to ensure the attendance of the remaining four witnesses,



so that the trial must be concluded within two months.

(Prabhat Kumar Jha, J.)

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