

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63 of 2017

Arising Out of PS.Case No. -565 Year- 2012 Thana -DEHRI TOWN District- SASARAM
(ROHTAS)

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Chandra Kant, Son of Sri Shobhnath, resident of village - Monai, P.S.
Manda, District - Allahabad (U.P.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Gauri Shankar Gupta,A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 08-02-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Earlier the prayer for bail of the petitioner was
refused thrice, lastly on 9.3.2016 vide Cr.Misc. No.58180 of 2016
having considered the facts and circumstances of the case.

Learned counsel for the petitioner submits that the
petitioner is in custody since 27.12.2012 but the trial has not yet
been concluded.

Report regarding stage of the trial, number of
witnesses called for vide order dated 18.1.2017 from the court
below has been received through Letter No.08 dated 24.01.2017
from the court of Additional Sessions Judge- VIII, Rohtas at



Sasaram, which reveals that out of eight witnesses seven witnesses named in the charge sheet have been examined and one official witness is yet to be examined against whom non-bailable warrant of arrest has been issued but the prosecution has failed to produce him. To this effect a direction to the Spl.P.P. has already been issued to produce him.

Under the above facts and circumstances of the case, I am not inclined to grant bail to the petitioner. The prayer for bail of the petitioner stands rejected.

However, the trial court is directed to take effective step for examination of one remaining official witness sending the letter for his arrest to the concerned S.P. and conclude the trial within a period of six months. If the trial is not concluded within the aforesaid period and fail to secure attendance of that witness, the petitioner will be at liberty to renew his prayer for bail.

Let a copy of the order be communicated to the Superintendent of Police, Rohtas to secure attendance of the one remaining official witness.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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