

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30555 of 2017

Arising Out of PS.Case No. -149 Year- 2015 Thana -BARUN District- AURANGABAD

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1. Gupteshwar Singh Son of Ram Dayal Singh Resident of Village-
Dhanaon, P.S. Daudnagar District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Md. Ansarul Haque, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 19-07-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The petitioner was caught with counterfeit notes and taking note of the aforesaid fact, the prayer for bail of the petitioner was earlier rejected by this Court vide order Dated 26.02.2016 passed in Criminal Miscellaneous No. 8194 of 2016 thereafter, again petitioner came before this Court for bail by filing Criminal Miscellaneous No. 42724 of 2016 which was also rejected vide order dated 16.11.2016, giving liberty to petitioner to renew his prayer for bail, if his trial is not concluded within six months.

The copy of the aforesaid order was sent to Superintendent of Police, Aurangabad with a direction to him to ensure the presence of the prosecution witnesses before the trial court without any delay, but the impugned order dated 02.06.2017



goes to show that even after receipt of the aforesaid order of this Court, the Superintendent of Police, Aurangabad failed to produce the witnesses before the trial court. From the impugned order it further reveals that charge against the petitioner was framed on 03.03.2016 but in spite of passing of more than one year, the prosecution could not succeed to produce even a single witness before the trial court. No doubt the offence is said to have been committed by the petitioner is against the society but no person can be detained in jail for indefinite period without any substantive progress in trial particularly, in the circumstance when even after passing of one year from the date of framing of the charge, the State machinery could not produce any witness before the trial court.

In the facts and circumstances stated above, as well as the submissions of the petitioner, let the petitioner, above named, be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VI, Aurangabad related to S. Tr. No. 51/016/34/016 in connection with Baruni P.S. Case No. 149 of 2015.

(Hemant Kumar Srivastava, J)

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