

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32766 of 2017

Arising Out of PS.Case No. -24 Year- 2003 Thana -RUPAULI District- PURNIA

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1. Baban Singh @ Babban Singh, S/o Surendra Prasad Singh @ Pachu Singh, resident of Village- Bhikna, P.S.- Rupauli (Akbarpur), District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navesh Nandan

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 02-08-2017 It is submitted by the learned counsel for the petitioner that due to lack of proper instruction, while arguing the case of the petitioner for bail on 19th July, 2017, an erroneous submission was made that though the petitioner is in custody for three and a half years, no prosecution witness has been examined during trial.

In view of the submissions made by the learned counsel for the petitioner, the prayer for bail of the petitioner was allowed by this Court vide order dated 19th July, 2017.

A report has been received from the trial court wherein it is stated that out of 12 prosecution witnesses, nine including the informant, the doctor and the two investigating officers have already been examined. Apparently, the order of bail has been obtained by playing fraud upon the Court.



In that view of the matter, the order dated 19th July, 2017 passed by this Court is recalled. The application for bail of the petitioner is rejected.

In case the petitioner has been released from jail pursuant to the order dated 19th July, 2017, the trial court shall take all coercive steps to ensure his arrest. The trial court shall endeavour to conclude the trial expeditiously.

In view of the conduct of the petitioner, he is debarred from making any application for bail before the court below in future during pendency of the trial.

(Ashwani Kumar Singh, J)

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