

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14707 of 2017

Arising Out of PS.Case No. -134 Year- 2015 Thana -JOKIHAT District- ARRARIA

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Md. Ishrafil, S/o Gyaas, Resident of Village-Masuriya, P.S.-Mahalgaon,
District-Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 19-07-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sessions Trial
No.290 of 2016, arising out of Jokihat (Mahalgaon) P.S. Case No.134
of 2015, registered under Sections 304(B)/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner
submits that earlier, the prayer of the petitioner for grant of bail was
rejected by this Court vide order dated 15.07.2016 passed in Criminal
Misc. No.19881 of 2016 on merit. The petitioner is in custody since
31.01.2016 but till today, not a single prosecution witness has been
examined while the charge was framed in the case on 06.08.2016.

The report, as called for vide order dated 12.04.2017,
regarding the stage of the case and the expected time within which the



trial of the case is likely to be concluded, has been received from the court of the 4th Additional Sessions Judge, Araria, through letter no.103 dated 18.04.2017 from which it appears that the charge was framed in the case on 06.08.2016 and the summons have been issued to the witnesses on 08.08.2016 and, thereafter, bailable warrant and non-bailable warrant were issued to them but in spite of that, no any witness has been adduced by the prosecution for examination. In the opinion of the trial court, if the prosecution will produce the witness regularly then the trial may be concluded within one year as nine witnesses have been cited in the chargesheet.

I find no reason to reconsider the prayer of the petitioner for grant of bail and, accordingly, his prayer for grant of bail stands rejected. However, the trial court is directed to conclude the trial of the petitioner as early as possible, preferably, within one year by taking all effective steps for producing the prosecution witnesses.

(Rajendra Kumar Mishra, J)

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