

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 1740 of 2018

Arising Out of PS. Case No.-237 Year-2016 Thana- Phulwarisarif District- Patna

Pankaj Kumar, S/o Sri Nageshwar Yadav @ Naga Yadav @ Nageshwar Rai,
R/o Village- Laxmanpur, Police Station- Ara (Muffasil), in the District of
Bhojpur at Ara.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr.Adv.

Mr. Bimal Kumar

For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3. 31-01-2018 Heard Sri Akhileshwar Prasad Singh, learned senior
counsel assisted by Sri Bimal Kumar, learned counsel for the
petitioner and Sri Abhay Kumar Roy, learned Addl. Public
Prosecutor.

This is the second attempt for grant of bail on behalf of
petitioner. The petitioner is in custody since 23-04-2016 in
Phulwarisarif (Janipur) P.S. Case No. 237 of 2016 (Sessions
Trial No. 731 of 2016) registered for offence under Sections
366(A)/34 of the Indian Penal Code.

Earlier, on merit, the prayer for bail of petitioner was
rejected on 04-10-2016, vide Cr. Misc. No. 40628 of 2016.

In this case, by order dated 10-01-2018, a report was
called for from the court below regarding stage of the case,
which has been received and kept at flag 'A'. The report dated
18-01-2018 makes it clear that despite the fact that in this case,



charge was framed on 20-02-2017, till date, the prosecution has not produced any witness. The report suggests that the learned Trial Judge has also sent letter to the Superintendent of Police for producing witnesses and next date was fixed to 25-01-2018.

Since on merit, the prayer for bail has already been rejected, there is no reason to review my earlier order. Accordingly, the prayer for bail again stands rejected.

However, since the petitioner is in custody since long, while dismissing, it is desirable to direct the Superintendent of Police, Patna to produce witnesses, as and when, required by the trial court. At the same time, the learned trial court is also required to take appropriate step so that the case may come to its logical end without unnecessary delay. It is clarified that if order of this Court is not complied with, the learned Trial Judge may send report to this Court forthwith. While proceeding, the learned Trial Judge will take up the matter at least once in a week.

Let a copy of this order be sent to the concerned Superintendent of Police for its compliance.

(Rakesh Kumar, J.)

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