

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58454 of 2017

Arising Out of PS.Case No. -34 Year- 2016 Thana -DARAUNDA District- SIWAN

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1. Bivek Kumar Singh @ Lala, Son of Dhaneshwar Singh @ Dhaneshwar Choudhary, Resident of Village- Kutubpur, P.S.- Hajipur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, advocate

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 24-01-2018

Heard both sides.

The petitioner seeks bail in Daraunda P.S. case No. 34 of 2016 registered under Section 364/120B of the Indian Penal Code. Later on Section 302/34 of the IPC was added.

The learned counsel for the petitioner submits that prayer of petitioner for bail was earlier rejected by this court vide order dated 25.11.2016 passed in Cr. Misc. No. 39323 of 2016. The petitioner is in jail since 04.03.2016. The petitioner has already remained in jail for about two years but the trial has not yet been concluded. Five witnesses have already been examined but save and except one none has supported the prosecution case.

A report was called from the trial court and the learned Additional Sessions Judge-III, Siwan has reported that out of ten witnesses six witnesses have already been examined. The informant, I.O., Medical Officer and one more witness are to be examined and trial is likely to conclude within six months.

It appears that there is specific allegation against the



petitioner that petitioner with the help of two others kidnapped the son of informant. Later on dead body of son of the informant was found.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of the order.

The Superintendent of Police, Siwan is directed to ensure the presence of remaining non examined four witnesses of Daraunda P.S. Case No. 34 of 2016, Sessions Trial No. 58 of 2017 in the court of learned Additional Sessions Judge-III, Siwan so that the trial must be concluded within six months.

If the trial is not concluded within six months the petitioner may renew his prayer for bail.

Let a copy of this order be sent to learned Additional Sessions Judge-III, Siwan as well as Superintendent of Police, Siwan for information and needful.

(Prabhat Kumar Jha, J)

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