

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50905 of 2017

Arising Out of PS. Case No.-254 Year-2009 Thana- JOGAPATTI District- West Champaran

Upendra Mishra, Son of Late Chandi Mishra, R/o Village- Kawalapur Birta
Tola, P.S.- Jogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Sri Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 05-09-2018 In pursuance to order dated 29.08.2018, the
Superintendent of Police, West Champaran, Bettiah is present
before this Court.

It is a case where the FIR was registered in 2009, the
trial got commenced in 2010 and the petitioner is languishing in
custody since last nine years, but the trial has not been
concluded since the doctor and two witnesses are left to be
examined.

It is submitted by Superintendent of Police, West
Champaran, Bettiah that the doctor has died, however, the
private witnesses, who are left to be examined will be produced
before the Court below tomorrow, i.e. 06.09.2018.

The petitioner has renewed the prayer for bail in a
case registered for the offences punishable under Section 302/34



of the Indian Penal Code, in Sessions Trial No.126 of 2010, arising out of Jogapatti (Nawalpur) P.S. Case No.254 of 2009, pending before the learned 3rd Additional Sessions Judge, West Champaran, Bettiah.

The prosecution case got initiated on the Fardbeyan of Akhilesh Mishra, recorded by S.I., Ram Kumar Prasad, SHO Nawalpur Police Station on 16.10.2009 at 13.45 P.M., to the effect that at 1.00 A.M., the informant received information that his father-in-law, Chandi Mishra has been killed by his elder son, Upendra Mishra by causing injury on the head by axe. Thereafter, the informant reached the house of the father-in-law and found him dead. On enquiring from the villagers, the informant came to know that Upendra Mishra, the elder son of the deceased has killed him by causing an axe injury on his head. Considering the nature of accusation the earlier prayer for bail of the petitioner was rejected, vide Cr. Misc. No.90298 of 2011.

It is submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 31.10.2009.

Considering the nature of accusation and the present stand of the Superintendent of Police, West Champaran, Bettiah, who is present before this Court, to the effect that the doctor is



dead, but the remaining two witnesses will be produced in Court for examination tomorrow, i.e. 06.09.2018, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail on behalf of the petitioner is rejected.

However, it is expected from the trial Court to conclude the trial within a period of four weeks.

It is made clear, in case of non-production of two remaining witnesses, the trial Court will immediately inform this Court.

However, the petitioner would be at liberty to renew his prayer for bail if the trial is not concluded due to laches on the part of the prosecution party.

Accordingly, the Criminal Miscellaneous application is disposed of.

(Dinesh Kumar Singh, J)

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