

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 16166 of 2017

Arising Out of PS.Case No. -22 Year- 2013 Thana -DHAKA District- EAST CHAMPARAN
(MOTIHARI)

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Birendra Paswan S/o Late Vricha Paswan resident of village - Bashiya, P.S. Dhaka,
District- East Champaran.

.... 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 AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-02-2018

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks bail in Dhaka (Panch Pakri)

P.S. Case No. 22 of 2013 dated 06.02.2013 instituted under Sections
147/148/149/323/307/504 of the Indian Penal Code to which later on
Section 302 was added.

3. This is the third attempt of the petitioner for bail
as earlier such prayer was rejected by order dated 12.04.2016 passed
in Cr. Misc. 8819 of 2015. However, the Court below was directed to
expedite the trial and concluded the same latest by 30th November,
2016.

4. A report being called from the Court below, the



same has been submitted under letter dated 9th February, 2018, which discloses that the evidence of the doctor was scheduled for 13th February, 2018. It also discloses that earlier a request was sent from the trial Court for extension of time under letter dated 26.07.2017. This Court finds that even after that, the matter has not been pursued seriously by the trial Court. However, as no new ground has been brought to the notice of the Court for the purposes of considering the prayer for bail to the petitioner after the last order of rejection, except of passage of time, the Court is not inclined to grant bail to the petitioner. Accordingly, the application stands dismissed.

5. However, it is directed that the trial Court shall ensure that all prosecution witnesses are examined within two months, failing which this Court shall be constrained to take strict judicial notice of such non-compliance.

6. The Superintendent of Police, East Champaran, Motihari is also directed to ensure that the witnesses are produced before the Court on the dates fixed. Earlier also he was directed to do the same but it appears that he has failed in his duty. The Court gives him one indulgence and if it transpires that the present order is also not complied with, strict consequences shall follow.

7. Registry shall communicate the order to the Court below as well as the Superintendent of Police, East Champaran,



Motihari by Fax also latest by tomorrow.

(Ahsanuddin Amanullah, J.)

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