

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62304 of 2017

Arising Out of PS.Case No. -92 Year- 2015 Thana -DUMRIAGHAT District- EAST
CHAMPARAN (MOTIHARI)

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Pradeep Kumar Yadav @ Pradeep Yadav S/o Lalan Yadav, R/o Vill.-
Belbanwa, P.S.- Jogapatti, District- West Champaran.

.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Digvijay Narayan Singh, Advocate

For the Opposite Party/s : Mr. Murlidhar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 10-01-2018 The petitioner seeks bail in connection with Sessions Trial No.317 of 2016 arising out of Dumariya Ghat P.S. Case No.92 of 2015 registered under Sections 395 and 412 of the Indian Penal Code. His prayer for bail was earlier rejected by this Court on 05.02.2016 with observation that if the trial is not concluded within nine months from the date of framing of charges, the petitioner would be at liberty to renew his prayer for bail before the trial court itself.

It is submitted by the learned counsel for the petitioner that in this case charges were framed on 07.09.2016 itself and till date, only one witness has been examined in course of trial. He submitted that subsequently the petitioner had renewed his prayer for bail before the trial court but the same was rejected vide order dated 25.08.2017. He contended that



despite all steps taken by the court, the witnesses are not turning up during trial.

Learned counsel for the State has opposed the application for grant of bail to the petitioner.

I have heard learned counsel for the petitioner and perused the record.

From perusal of the order passed by the trial court, it would manifest that despite issuance of summons bailable and non-bailable warrants, the witnesses are not turning up.

Considering the laxity on the part of the prosecution in bringing the witnesses before the court, the petitioner, who is in custody since 02.09.2015, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, East Champaran at Motihari in connection with S. Tr. No.317 of 2016 arising out of Dumariya Ghat P.S. Case No.92 of 2015.

Sanjeet/-

(Ashwani Kumar Singh, J.)

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