

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Miscellaneous No.58172 of 2017**

Arising Out of PS.Case No. -42 Year- 2013 Thana -MASAURHI District- PATNA

=====

Vicky Yadav @ Vicky Kumar, S/o Late Surendra Yadav, Resident of
Village - Barhi Tola Masaurhi, Police Station - Masaurhi, District - Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Smt. Madhuri Lata, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 11-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking regular bail in
connection with Masaurhi P.S. Case No.42 of 2013, registered for
the offence punishable under Section 364/34 of the Indian Penal
Code. Subsequently, Sections 302 and 201 of the Indian Penal
Code was also added.

From the record, it appears that the victim, Gautam
Kumar, had taken the wife of the present petitioner to Allahabad
and from there the petitioner has recovered his wife and later on,
with the assistance of his friends the petitioner kidnapped and
killed the victim.

Learned counsel for the petitioner submits that there



is no direct evidence against the petitioner save and except of kidnapping the victim inasmuch the petitioner is in jail for more than five years, only three more witnesses are yet to be examined, but the Senior Superintendent of Police and Superintendent of P.M.C.H. are not co-operating in production of the charge-sheeted witnesses and on that account the trial is still pending.

I have perused the order of the Court below including the status report, from where it appears that two witnesses i.e. doctor and the Investigating Officer, who are official witnesses, are not being brought for their examination.

Looking to the nature of allegation, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected. However, this Court directs the Senior Superintendent of Police, Patna and the Director, Health Department, Government of Bihar, Patna, to ensure the production of Investigating Officer as well as the doctor who has conducted the post-mortem, within a period of three weeks from the date of receipt/production of a copy of this order. In failure to produce the charge-sheeted witnesses for the examination, it will be treated to be disobedience of the order of this Court and the Court will be compelled to initiate a proceeding of contempt against them. In turn, the Court below will conclude the trial



within six months after the production of the charge-sheeted witnesses.

Let a copy of this order be communicated to the Senior Superintendent of Police, Patna and Director, Health Department, Government of Bihar, Patna.

(Shivaji Pandey, J)

pawan/-

U		T	
---	--	---	--

