

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55071 of 2018

Arising Out of PS. Case No.-209 Year-2013 Thana- AGAMKUAN District- Patna

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Randhir Kumar Singh @ Natu Singh S/o Late Sakaldeo Singh Resident of
Village Paighna, P.S. Ghoshwari, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar, Adv.

For the Opposite Party/s : Smt. Pushpa Sinha, APP 121

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 19-12-2018 Heard learned counsel for the petitioner and counsel
for the State as also counsel for the Informant.

Learned counsel for the petitioner submits that the
petitioner has already remained in custody for five years as well
as Sikandar Kumar, who is said to be an eye-witness, has turned
hostile.

The Informant side has brought to the notice of this
Court the order dated 27.11.2018 passed in Cr. Misc. No. 7267
of 2018 (Harsh Vardhan Vs. The State of Bihar) and also the
First Information Report which has been lodged bearing
Pirbahore P.S. Case No. 581 of 2018 in which it has been
alleged that Rajesh Kumar Yadav along with 8-10 unsocial
elements were threatening the two witnesses, namely, Sikandar
Kumar and Rajkishore Singh and both have been turned hostile.



It is a very serious matter which should have been taken notice by the court who is conducting the trial, he could have taken steps for cancellation of the bail of Rajesh Kumar Yadav in the manner he is threatening the witnesses to be examined in the trial and it is expected from the court to grant protection to the witnesses who appear for their examination.

Accordingly, this Court directs the Senior Superintendent of Police, Patna to look into the matter and the prosecution will take steps for cancellation of the bail of Rajesh Kumar Yadav.

As the petitioner is placing reliance on the statement of Sikandar Kumar but, the First Information Report itself shows that he was threatened by Rajesh Kumar Yadav, in such circumstances, this Court cannot place reliance on the statement made in the court be a basis for grant of bail and the S.S.P., Patna is also directed to grant protection to the Informant and witnesses so that they may not be in any manner be harmed physically or mentally.

As has been submitted by the learned counsel for the petitioner that the entire witnesses have been examined, if any witness having not been examined, the court below will take steps for examination of the rest of the witnesses.



The court below is directed to conclude the trial
without any delay.

Accordingly, this application for bail is dismissed.

(Shivaji Pandey, J)

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