

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47876 of 2018

Arising Out of PS.Case No. -140 Year- 2014 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Jakir Ali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Sri Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 05-09-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Earlier, the bail prayer of the petitioner was twice rejected by this court, taking note of allegation leveled against him as well as his criminal antecedent and the trial court was directed to expedite the trial of the petitioner but the trial court has reported that charge against the petitioner was framed on 08.11.2017 and thereafter, record of the petitioner was put up before the trial court on 15.05.2018. The trial court further reported that out of six proposed prosecution witnesses, up till now, only one prosecution witness could be examined. The trial court further reported that due to reluctant approach of prosecution witnesses, the case could not be concluded.

Considering the aforesaid report of learned trial court



as well as facts and circumstances of the case, again, I am not inclined to release the petitioner on bail and, accordingly, his prayer for bail in connection with S.T.No. 218 of 2017 arising out of Bettiah (T) P.S.Case No. 140 of 2014 stands rejected.

However, a copy of this order be sent to Superintendent of Police, Bettiah with direction to him to ensure the presence of prosecution witnesses of S. T. No. 218 of 2017 arising out of P. S. Case No. 140 of 2014 before the court of Additional Sessions Judge, Bettiah, West Champaran within a month from the date of receipt/production of a copy of this order and, furthermore, the trial court is directed to conclude the trial of the petitioner within four months even by taking the trial of the petitioner on day to day basis.

It is made clear that if trial court fails to conclude the trial of the petitioner within the above stated period due to laches of the prosecution, the petitioner may renew his prayer for bail before the learned trial court itself.

(Hemant Kumar Srivastava, J)

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