

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44531 of 2018

Arising Out of PS.Case No. -277 Year- 2016 Thana -BUXAR District- BUXAR

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1. Rakesh Kumar Tripathi S/o Late Kavindra Nath Tripathi R/o Vill -
Kagipur, P.S. Simri, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Singh

For the Opposite Party/s : Mr. Ram Priya Sharan Singh APP

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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 rejected
and again, this bail petition has been filed on behalf of the
petitioner on the ground that the petitioner is in jail custody for
more than two years and there is no progress in his trial.

The learned trial court vide letter no. 11 dated
06.08.2018 has submitted a very long report but the gist of the
report goes to show that up till now, only one prosecution witness
could be examined and in spite of issuance of summons as well
as non bailable warrant of arrest against the prosecution witness,
the prosecution witness did not appear before the trial court.
However, the trial court has reported that on 03.08.2018, the



informant had filed an adjournment petition, praying therein to appear on next appointed date with relevant documents.

There is allegation against the petitioner that he issued forged advice slip, while he was working as District Welfare Officer, Buxar and taking note of the aforesaid fact, this court had rejected the prayer for bail of the petitioner. Therefore, again, I am not inclined to release the petitioner on bail, accordingly, his prayer for bail in connection with Buxar Nagar P. S. Case No. 277 of 2016, stands rejected.

However, the learned trial court is directed to expedite the trial of the petitioner and try to conclude the same as early as possible, preferably, within four months by taking the trial of the petitioner on day to day basis.

The copy of this order be sent to District Magistrate, Buxar as well as Superintendent of Police, Buxar with direction to both the officials to ensure the presence of prosecution witnesses before the court of Sri Mukesh Manohar, Judicial Magistrate, 1st class, Buxar within a month from the date of receipt/production a copy of this order. Any failure on the part of both the above stated officials as well as learned trial court shall be viewed seriously. However, it is made clear that if the trial of the petitioner is not concluded within above stated period due to fault of prosecution,



the petitioner may renew his prayer for bail before this Court.

(Hemant Kumar Srivastava, J)

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