

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68958 of 2018

Arising Out of PS. Case No.-168 Year-2016 Thana- CHOUTARWA District- West
Champaran

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Tara Yadav, S/o Lal Mohan Yadav, Resident of Vill-Navkatola, Bathwariya,
P.S.-Chautarwa, District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-12-2018 Earlier prayer for bail of the petitioner was twice rejected, firstly by vide order dated 17.1.2017 passed in Cr.Misc.No. 49730 of 2016 with direction to learned court below to expedite the commitment as well as trial and trial to be disposed of within one year and again vide order dated 21.3.2018 in Cr.Misc.No. 8232 of 2018 with direction to learned trial court to conclude the trial within four months. Allegation against the petitioner is of committing rape upon the informant.

Submission of learned counsel for the petitioner is that no sign of rape was found and till date only four witnesses have been examined and trial has not been concluded and petitioner is in custody since 24.6.2016.

Heard learned APP and perused the report of the court



below from which it appears that out of 7 witnesses 4 have been examined and the case is pending for evidence of rest of the witnesses, including I.O. and Doctor.

In such view of the matter, I am not inclined to grant bail to the petitioner.

However, Superintendent of Police, Bagha is directed to ensure the presence of rest of the witnesses in court on the date fixed and at the same time Civil Surgeon, West Champaran is also directed to produce the Doctor in court on the next date fixed. The aforesaid directions must be complied in strict sense and they are directed to submit report to this Court after two months.

With the above observation, this application is dismissed.

Let this order be communicated to the Superintendent of Police, Bagha and Civil Surgeon, West Champaran forthwith.

(Vinod Kumar Sinha, J)

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