

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6266 of 2019**

Arising Out of PS. Case No.-148 Year-2004 Thana- MADHAURAH District- Saran

Vijay Kumar Singh @ Munna Singh @ Munna Thakur, Male, aged about 51 years, Son of Shivji Singh @ Shivji Thakur Resident of Village- Nethuan, P.S.- Marhowrah, District-Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : M/s. Anita Kumari, Adv.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 27-02-2019 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

Earlier the prayer for bail of the petitioner was rejected thrice but again this petition has been filed on the ground that up till now, trial of the petitioner could not be concluded, particularly, in the circumstance, when the petitioner is behind the bar since 01.01.2016.

Learned counsel appearing for the petitioner submits that Annexure-6 to the petition goes to show that up till now, only three private witnesses and one investigating officer in part



were examined. It is submitted that the doctor as well as two other investigating officers are yet to be examined but they are not turning up since last six months and, therefore, in the aforesaid circumstance, there is no likelihood of conclusion of trial of the petitioner in near future.

On the other hand, learned Additional Public Prosecutor opposed the prayer pointing out that petitioner is said to have opened fire of rifle on the deceased and, therefore, he does not deserve the privilege of bail.

Having heard the contentions of both the parties, I went through the record. I find that earlier the prayer for bail of the petitioner was thrice rejected and furthermore, I find that the trial of the petitioner has already commenced and admittedly, up till now, three private witnesses and one investigating officer in part have already been examined. Therefore, in the aforesaid circumstance, I do not think it proper to release the petitioner on bail and accordingly, his prayer for bail in connection with Sessions Trial No. 143 of 2017 arising out of Marhowrah P.S. Case No. 148 of 2004 is again 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 nine months from the date of



receipt/production of copy of this order.

Let copy of this order be sent to Superintendent of Police, Saran at Chapra with direction to Superintendent of Police, Saran at Chapra to ensure the presence of remaining prosecution witnesses of Marhowrah P.S. Case No. 148 of 2004 corresponding to Sessions Trial No. 143 of 2017 before the concerned trial court within two months, failing which this court shall take serious view against the concerned official.

(Hemant Kumar Srivastava, J)

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