

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15901 of 2019

Arising Out of PS. Case No.-71 Year-2017 Thana- MAHISHI District- Saharsa

KISHORE SAH @ KISHOR SAH @ KISHOR KUMAR SAH Son of Lal
Mohan Sah Resident of Village - Gandaul, P.S.- Mahishi (Jalai O.P.), Distt -
Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mrs. N. K. Agarwal, Sr. Advocate Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party	:	Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 20-05-2019 Heard Mr. N. K. Agarwal, learned senior counsel

for the petitioner and Mr. Ashok Kumar Singh, learned counsel

for the State.

The petitioner has renewed his prayer for grant of
bail in connection with S. Tr. No. 124 of 2018 arising out of
Mahishi (Jalai O.P.) P. S. Case No. 71 of 2017 registered under
Sections 304B, 201/34 of the Indian Penal Code. His prayer for
bail was earlier rejected by this Court vide order dated
29.03.2018.

Learned counsel for the petitioner submitted that
though the petitioner is in custody since 01.06.2017, charges
were framed on 29.11.2018 and till date, no witness has been
examined on behalf of the prosecution. There is no likelihood of



the conclusion of trial in near future. He has further contended that if the prosecution has got no interest in prosecuting the petitioner, he cannot be retained in custody as an under trial prisoner for an indefinite period.

On the other hand, learned counsel for the State has submitted that the prosecution would take all possible steps to examine witnesses in support of the charges as early as possible, preferably within one year.

Having considered the rival submissions, I am not inclined to grant bail to the petitioner for the present. The application is rejected.

In case, the prosecution fails to examine all its witnesses within one year from the date of receipt/production of a copy of the order, the petitioner would be entitled to renew his prayer for bail before the trial court itself.

While parting with this case I deem it appropriate to direct the trial court also to expedite the trial and conclude the same within one year from today.

(Ashwani Kumar Singh, J)

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