

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24899 of 2019

Arising Out of PS. Case No.-153 Year-2017 Thana- DINARA District- Rohtas

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RAGHUNATH SAH (SHAH) Son of Late Osiar Sah Resident of Village -
Delhua, P.S.- Dinara, District - Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S.N.P. Sinha, Adv.
		Mr. J.N. Sinha, Adv.
For the Informant		Mr. Shyam Bihari Singh, Adv.
For the Opposite Party/s :		Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 31-07-2019 Heard learned senior counsel for the petitioner,

learned counsel for the informant and learned APP for the State.

The petitioner, who is in custody since 22.07.2017,

has filed this application for grant of regular bail in connection
with S. Tr. No. 428 of 2017 arising out of Dinara P.S. Case No.
153 of 2017 registered for the offence punishable under Sections
341, 323, 307 and 34 of the Indian Penal Code and Section 27
of the Arms Act to which Sections 302 and 120-B of the Indian
Penal Code were added subsequently.

It is submitted by learned senior counsel appearing for
the petitioner that earlier application for bail filed by the
petitioner was rejected vide order dated 18.06.2018 (Annexure-
1 to this application) with a direction to the trial court to



expedite the trial. It is further submitted that in spite of the charge having been framed in this case in July, 2017 and the petitioner being in custody since 22.07.2017, only four prosecution witnesses have been examined and they too have not supported the prosecution case, as alleged against the petitioner. It is further submitted that bail be granted to the petitioner as there is no chance of the trial coming to an end in near future.

The application for bail is opposed by the learned APP appearing on behalf of the State.

Learned counsel appearing on behalf of the son of the deceased-informant submits that so far four prosecution witnesses have been examined on behalf of the prosecution and the only two witnesses, who remain to be examined, are the doctor and the Investigating Officer. It is further submitted that the two being officials and not in control of the son of the informant, he is not in a position to submit as to how soon they will depose in the trial.

Having heard learned counsel for the parties, and taking into consideration that only the I.O and the doctor remain to be examined, the court is not inclined to enlarge the petitioner on bail and as such, the application for bail is rejected.



However, the learned court below and the Superintendent of Police, Rohtas (Sasaram) are directed to take steps to ensure the presence of the remaining witnesses for deposition and the trial court is further directed to conclude the trial within a period of six months.

(Partha Sarthy, J)

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