

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31841 of 2019

Arising Out of PS. Case No.-78 Year-1992 Thana- HARSIDHI District- East Champaran

Vijay Thakur @ Vijay Uday Thakur Son of Late Uday Thakur Resident of
Village - Bagha, P.S.- Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Manish Kumar No2

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

ORAL ORDER

3 19-02-2020 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor who was assisted by learned counsel of the informant.

The petitioner is said to have caused death of the deceased (Hiraman Sah) by opening fire on him and earlier his prayer for bail was rejected by this Court on several times.

However, while rejecting the bail petition of this petitioner, this Court vide order dated 01.08.2018 granted liberty to petitioner to renew his prayer for bail, if his trial is not concluded within the stipulated period as fixed by this Court.

Learned trial Court has reported that out of chargesheet witnesses, up-till-now only six prosecution witnesses could be examined and to procure the attendance of



remaining prosecution witnesses, the learned trial Court has sent letters and reminders not only to Police Superintendent, East Champaran, Motihari but also Director General of Police, Bihar, Patna but all the aforesaid letters became futile.

Learned counsel of the informant is present in Court and it appears from perusal of the record that on earlier occasions also, the informant was represented before this Court by his learned Advocate but in spite of getting knowledge of order of this Court, the informant did not take any pain to produce his witnesses before the trial Court.

However, considering the facts and circumstances of the case as well as allegation levelled against the petitioner, I am not inclined to release the petitioner on bail for the present, and, accordingly, his prayer for bail again rejected.

Moreover, the learned trial Court is directed to conclude the trial of the petitioner within six months from the date of receipt/production of a copy of this order even by taking the trial of petitioner on day to day basis. Let a copy of this order be sent to Director General of Police, Bihar, Patna with a direction to him to ensure the compliance of order of learned Additional Sessions Judge-X, East Champaran at Motihari passed in Sessions Trial No.1165 of 2006 arising out of Harsidhi



P.S.Case No.78 of 1992 within a month from the date of receipt/production of a copy of this order.

Furthermore, the informant shall also ensure the presence of private prosecution witnesses before the trial Court within the period of two months. It is also made clear that if the learned trial Court fails to conclude the trial of the petitioner without any fault of the petitioner and due to laches on the part of the prosecution, the petitioner may renew his prayer for bail before this Court.

(Hemant Kumar Srivastava, J)

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