

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1790 of 2020**

Arising Out of PS. Case No.-53 Year-2019 Thana- PRANPUR District- Katihar

MD. DABLU S/o Late Tufani Resident of Village-Marangi, Narayanpur, P.S.-
Mansahi, District-Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhola Prasad, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 27-11-2020 Heard learned counsel for the appellant and learned
Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 7.7.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Katihar whereby the prayer for bail of the appellant in connection with Pranpur P.S. Case no. 53 of 2019 was rejected.

It is submitted by learned counsel for the appellant that the earlier prayer for bail of the appellant in the instant case was rejected vide order dated 4.11.2019 (Annexure 1) passed in Cr. Appeal (SJ) no. 3553 of 2019. It is submitted that by the said order the learned trial Court was directed to conclude the trial preferably within six months from the date of receipt/production of a copy of the said order. It is submitted that more than a year has passed since the said order, the examination of prosecution witnesses has still not concluded. There is no



chance of the trial concluding in the near future and the appellant being in custody since 11.3.2019, he be enlarged on bail. It is further submitted by learned counsel for the appellant that he undertakes to remain present on each date of the trial and to abide by all the conditions as may be laid by this Court.

The appeal is opposed by learned Spl. PP appearing for the State who submits that the allegations against the appellant is serious in nature as it was on his confession and disclosure that the dead body of the deceased was recovered. Referring to the order of the learned court below rejecting the prayer for bail of the appellant vide its order dated 7.7.2020, it is submitted by learned Spl. PP that eight prosecution witnesses have already been examined and only two official witnesses namely the doctor and the Investigating Officer remained to be examined. It is submitted that appropriate direction may be given for their examination, a time be fixed and the trial be concluded.

Having heard learned counsel for the parties and taking into consideration the submissions made by the parties, in view of the fact that eight prosecution witnesses have already been examined and only the doctor and the investigating Officer remained to be examined, the Court is not inclined to allow the instant appeal and the same is rejected.

The learned Trial Court is directed to expedite the trial and to conclude the same at the earliest.

The Superintendent of Police, Katihar is directed to ensure production of two remaining witnesses i.e. the



doctor and the Investigating Officer in the trial on the date fixed.

Let a copy of this order be communicated to the Superintendent of Police, Katihar for taking immediate appropriate action in the matter.

(Partha Sarthy, J)

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