

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79679 of 2019

Arising Out of PS. Case No.-417 Year-2018 Thana- MOHANIYA District- Kaimur (Bhabua)

LAV PASWAN Son of Bishwantah Paswan Resident of Village - Gheghia,
P.S.- Mohania, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 06-03-2020 Heard the learned counsel for the petitioner and

the State.

The prayer for bail of the petitioner was earlier

twice rejected with the observation that he may renew

his prayer for bail six months after the charges are

framed.

Learned counsel for the petitioner submits that

charges were framed on 21.02.2019 but till date, the



petitioner has remained in custody when the other accused persons have been released on bail.

This Court had, on an earlier occasion, called for a report about the stage of the case, which report has since been received.

Learned counsel for the State has pointed out that up till now 11 witnesses have been examined and perhaps the case is pending only for the examination of the Doctor.

It further appears from the records as also from the submission of the learned counsel for the parties that the trial court has been taking all steps for compelling the attendance of the witnesses including the Doctor.

In that view of the matter, no fault could be found with the Trial Court for such delay.

In any view of the matter, since the trial is at the fag end, I am not inclined to exercise my discretion in granting bail to the petitioner.



The prayer for bail is rejected.

However, looking at the fact that petitioner is in custody since 07.07.2018 and the trial has not been concluded only because of the non-examination of the Doctor, this Court directs the trial court to take all efforts for compelling his attendance, including a notice to the concerned Civil Surgeon and to conclude the case positively within a period of three months from the date of production/receipt of a copy of this order, failing which the petitioner shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Sessinos Trial No. 15 of 2019, arising out of Mohania P. S. Case No. 417 of 2018, with an undertaking that he shall continue to participate in the trial and shall not leave the territorial confines of the trial court without the permission of the Court.



With the aforesaid observation / direction, the
application stands disposed off.

(Ashutosh Kumar, J)

skm/-

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