

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1472 of 2021

Arising Out of PS. Case No.-60 Year-2017 Thana- KAUWAKOL District- Nawada

=====

RAMPHAL YADAV S/o Bandhu Yadav R/o Village- Bhorambagh, P.S.-
Kawakole, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-03-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has renewed his prayer for bail in connection with Kawakole P.S. Case no. 60 of 2017 registered under sections 498A, 304B and 34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that petitioner happens to be the husband of the deceased. The earlier application for bail of the petitioner was rejected *vide* order dated 28.08.2019 (Annexure 1) passed in Cr. Misc. No. 35790 of 2019. Referring to the said order, it is submitted that five prosecution witnesses out of the 8 had been examined as has been noted in the said order and more than a year and six months have passed but only one more prosecution witness has been examined. The petitioner is in custody since 27.05.2017



and there is no chance of the trial concluding in the near future.

The application for bail is opposed by learned A.P.P. for the State.

A report was called for with respect to the stage of the trial from the learned court below and the same has been received. As per the report contained in letter dt. 8.2.2021, 6 out of 8 chargesheeted witnesses have been examined and direction has been given to the prosecution for production of the remaining witnesses, the next date being 18.2.2021.

Having heard learned counsel for the parties, from perusal of the earlier order of rejection dated 28.08.2019 it transpires that three witnesses remained to be examined then i.e. the Doctor, the Investigating Officer and one another police official. It appears that only one of the three has been examined as per the report received from the court below.

The trial having proceeded and in view of the allegations, the Court is not inclined to enlarge the petitioner on bail and the same is rejected.

However, the Superintendent of Police, Nawada is directed to ensure the attendance of the remaining prosecution witnesses in the trial.

Let a copy of this order be immediately



communicated to the Superintendent of Police, Nawada.

(Partha Sarthy, J)

Spd/-

U		T	
---	--	---	--

