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**(2004) 04 PAT CK 0127**

**In the Patna High Court**

**Case No : Criminal Miscellaneous No. 33843 of 2003**

Pawan Yadav

APPELLANT

Vs

The State of Bihar

RESPONDENT

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**Date of Decision :** 06-04-2004

**Acts Referred:**

**Citation :** (2004) 3 PLJR 388

**Hon'ble Judges :** P.K. Sinha, J

**Bench :** Single Bench

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## **Judgement**

P.K. Sinha, J.—Learned Counsel submits that two persons are said to have fired including the Petitioner but the doctor had found only one injury of fire arm. Prayer for bail was rejected on 4.4.2003 with the direction to the prosecution to take steps for early examination of the witnesses. When it was submitted that even after that direction no witness was examined, a report was called for from the lower Court, from which it appears that the charges were framed on 19.10.2001 and on 28.11.2001 one witness was examined, who turned hostile, where after despite issuance of non-bailable warrants of arrest and approaching the Supdt. of Police for their execution, the prosecution has failed to examine any witness. Learned Prosecutor in his report has also showed his helplessness in examining the witnesses. It is obvious that the State is not willing to prosecute the case properly. Charges were framed some 2? years ago and till now only one witness could be examined, that, too, after a month of the framing of the charges who turned hostile and the officials of the State have thereafter slept over the matter. This is not the only case in isolation but such examples can be found in other cases also. In view of the callous attitude of the State in prosecuting the criminal cases, an accused can not be kept in custody indefinitely, till the State deems it fit to examine its witnesses.

2. In that view of the matter, and under the circumstances, Petitioner Pawan Yadav is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of

the IInd Additional Sessions Judge, Naugachia, in S.T. No. 623 of 2001.