

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5337 of 2015

Arising Out of PS.Case No. -188 Year- 2012 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

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Tabrez Alam S/O Syed Abdul Latif Resident of Vill- Jharwa, P.O+P.S-
Harsiddho, Distt.-East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Atul Chandra(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 19-08-2015

Heard learned counsel for the parties.

While the prayer for anticipatory bail of the petitioner was earlier rejected by this Court by order dated 8.10.2013 in Cr. Misc. No. 16612 of 2013 on merit but, then, before parting with the case, this Court, keeping in mind that the petitioner was in jail custody since 28.1.2013, had given a direction to the trial court to expedite the trial for its being brought to an end within a period of one year from the date of receipt/production of a copy of the order and from the same order it was also made clear that if the trial of the petitioner was not concluded in the aforesaid period of one year, it would be open for the petitioner to move trial court for grant of bail and the trial court was to record its reasons for not concluding the trial within the timeframe fixed under the order of

this Court dated 8.10.2013.

Learned counsel for the petitioner has submitted that the trial did not come to an end within a period of one year from the date of order of this Court i.e. 8.10.2013 but, the trial court, in its order dated 25.11.2014, has refused to grant bail to the petitioner without taking into account the observation made by this Court in the order dated 8.10.2013.

In the considered opinion of this Court, from the order of the court below dated 25.11.2014, it is clear that neither the order of this Court dated 8.10.2013 was available in the record of the trial court nor the petitioner had produced the copy of such order. Thus, this Court would find that the time limit given for completing the trial within a period of one year from the date of receipt/production of a copy of the order had not commenced at least before its being produced by the petitioner in his bail application filed on 10.10.2014. The court below, therefore, was required to proceed ahead in the trial but, then, it is found from the same order-sheet that the petitioner had filed an application for discharge under Section 227 of the Cr.P.C.

In that view of the matter, this Court would direct the trial court i.e. the court of Additional Sessions Judge, 1st, Motihari, East Champaran to ensure that if the application for discharge of

the petitioner had already been disposed of, the trial of the petitioner must be expedited and concluded within a period of nine months from the date of receipt of this order.

With the aforesaid observation and direction, this application is disposed of.

The office of this Court is directed to ensure that a copy of this order be sent to the court of Additional Sessions Judge-1st, Motihari, East Champaran without fail.

(Mihir Kumar Jha, J)

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