

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44071 of 2014

Arising Out of PS.Case No. -170 Year- 2013 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Prashant Kumar @ Fanindra Singh @ Fadindra Singh Son of Harish Chandra Singh Resident of Village - Noniapatti, P.S. - Chautarwa (Bhairoganj), District- West Champaran (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Shankar Pandey

For the Opposite Party/s Mr. A.Haque Sahara(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

05/ 07.05.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State and also heard learned counsel for the informant.

Prayer for bail of the petitioner was earlier rejected by a coordinate bench of this court vide order dated 04.04.2014 passed in Cr. Misc. no. 2520/2014 but grievance of the petitioner is that certain important facts were left to be placed before the coordinate bench of this court at the time of passing order dated 04.04.2014 and furthermore, grievance of the petitioner is that he is languishing in jail custody since 07.11.2013 and up till now, not a single prosecution witness could be examined in this case.

Trial court has reported vide letter no. 120 dated 13.4.2015 that original record of Sessions Trial no. 276/2014 arising out Chautarwa (Bhairoganj) P.S. Case no. 170/2013 has been sent to the court of learned Sessions Judge, West Champaran, Bettiah in

connection with Criminal Revision no. 120/2014 and the same has not been returned as yet and it has also been reported that in absence of original record of the above stated Sessions Trial no. 276/2014, trial court could not record the depositions of the witnesses.

Considering the aforesaid facts and circumstances as well as submissions of the parties, prayer for bail of the petitioner in connection with Sessions Trial no. 276/2014 pending in the court of Addl. Sessions Judge II, Bagaha, West Champaran stands rejected.

However, learned trial court is directed to proceed with the trial of the petitioner on day to day basis and conclude the same as early as possible, preferably within six months.

Since informant is appearing before this court, informant is directed to adduce his witnesses before trial court whenever it is required by the learned trial court.

Furthermore, learned Sessions Judge, Bettiah, West Champaran is directed to return the original record of Sessions Trial no. 276/2014 to trial court after disposal of Cr. Revision No. 120 of 2014 or after two weeks from the date of receipt/production of a copy of this order whichever is earlier.

However, it is made clear that if trial court fails to conclude the trial of the petitioner within the above stated period of six months, the petitioner may renew his prayer for bail before the trial court itself.

Let a copy of this order be sent to learned Sessions Judge, Bettiah, West Champaran for needful.

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(Hemant Kumar Srivastava,J)