

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34916 of 2014

Arising Out of PS.Case No. -382 Year- 2013 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Seeta Devi w/o Sona Sahani
 2. Basanti Devi w/o Bhanu Sahani
 3. Bhanu Sahani S/o Late Ram Surat Sahani
 4. Bharat Sahani s/o Late Harivansh Sahani
 5. Bhulan Sahani s/o Bhanu Sahani
 6. Sona Sahani s/o Late Ram Surat Sahani All r/o Village Jaisinghpur
Bhaisara, P.S.- Turkauliya District East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi
For the Opposite Party/s : Mr. C.Jawahar (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

5 23-07-2015 The learned District and Sessions Judge, East Champaran, Motihari as well as the learned Additional Sessions Judge-XI, East Champaran, Motihari, have offered their remarks for the queries raised by this Court in its order dated 9-7-2015. A perusal of the same discloses that undue haste was shown in giving a descent burial to the case in which offence punishable under section 304(B) of the Indian Penal Code was alleged. The reason offered by the learned District and Sessions Judge that the case against one of the eleven accused was taken up on priority basis since he was in custody and the matter has been compromised between the parties, is wholly unsatisfactory, and is a travesty of justice.

2.This Court intends to direct an enquiry into the matter as to how and on what basis the case was split and what is the role

played by the Investigating Officer on the one hand and the Judicial Officer on the other hand.

3.The Superintendent of Police, East Champaran, Motihari is directed to call for the entire file pertaining to Turkauliya P.S. Case No. 382 of 2013, and enquire into as to how and under what basis the case was split, and the prosecution proceeded to submit Charge Sheet No. 327/2013, even ten out of eleven accused were at large. He shall fix the liability on the police official, if any, who was responsible for this .

4.The Registrar(Vigilance) of this Court shall cause verification of the record of Sessions Trial No. 323 of 2014, and find out as to whether any undue haste was exhibited to dispose of the case, particular when ten accused were at large.

5.So far as the petitioners are concerned, it is directed that in case they appear before the court below within four weeks, and apply for regular bail, the court below will pass orders on the same day, taking into account that some of them are women and old people, and that the main accused has already been acquitted.

(L. Narasimha Reddy,CJ)

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