

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46375 of 2012

Arising Out of PS.Case No. -463 Year- 2011 Thana -null District- PATNA

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Ashraf Ali S/o Md. Aslam, R/o village Nawada Pursuani, P.S. Uchhkagaon, District
Gopalganj

.... Petitioner/s

Versus

State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Nadim Seraj, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-08-2015

The Petitioner seeks quashing of the order dated 31.7.2012, by which the Judicial Magistrate, 1st class, Patna has refused to release personal items of the Petitioner seized in connection with Kankarbagh P.S. case No.463 of 2011.

Considering the reasonableness of the prayer of the Petitioner, the Court below is directed to release the passport, driving licence, Mobile phone, ATM card, Bank pass book, cheque book seized from the possession of the Petitioner with an undertaking that he would produce the same as and when required by the court below.

With the above observations, the application stands disposed of.

Call for a report from the Judicial Magistrate, 1st class, Patna as to why he kept the case pending on the pretext that the

accused persons had moved this Court vide this present application, even though the present application had not been filed against discharge nor was any stay granted at any stage by this Court.

In such a situation, thus the Trial Court is directed to conclude the trial expeditiously without granting unnecessary adjournments to any party, for which reason he shall send a list of the witnesses fixing specific dates for each witnesses for their examination along with a copy of this order to the Senior S.P., Patna, who is directed to ensure the attendance of the witnesses on the date fixed by the Trial Court so that there is no further delay in the trial.

Let the case diary be remitted back to the court below immediately.

Put up this matter on 21.09.2015 under the heading “To Be Mentioned” along with the report.

(Anjana Prakash, J)

Narendra/-

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