

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5128 of 2015

Arising Out of PS.Case No. -73 Year- 2012 Thana -KARJAIN District- SUPAUL

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Raju Mandal @ Birendra Mandal Son of Late Chulhai Mandal Resident of
Village - Piprahi, Police Station - Raghapur, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.5743 of 2015

Arising Out of PS.Case No. -73 Year- 2012 Thana -KARJAIN District- SUPAUL

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Binod Singh @ Binod Kumar @ Guddu Singh Son of Late Lal Bahadur
Singh resident of Village - Narha - Bardah, Police Station - Raghapur,
District - Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.5128 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar @ S.K, Adv

For the Opposite Party/s : Mrs. Rita Verma (APP)

(In Cr.Misc. No.5743 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv

For the Opposite Party/s : Mr. Upendra Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 23-09-2015

Heard learned counsel for the parties.

2. Having regard to the fact that the prayer of the
petitioners facing prosecution for the offences punishable
under Sections-395 and 397 of the Indian Penal Code was
earlier rejected on merits by order dated 01.10.2013 in



Criminal Miscellaneous No. 14098 of 2013, this Court was/is not inclined to once again go into the merits of both these cases. As a matter of fact, keeping in view the observations made earlier, this Court has called for a report from the trial Court as to the stage of trial and time likely to be consumed in concluding the trial. The trial Court in its report dated 19.09.2015, kept at Flag-'A' in the records of Cr. Misc. No. 5743 of 2015 has stated that the trial of the petitioners is already under process and out of eight witnesses, two of them have already been examined and the trial Court expects that the trial of the petitioners would be disposed of within a period of six months.

3. Thus, keeping view that the end of the trial of the petitioners is well in sight, while this court would refuse to grant bail to the petitioners it would still direct the trial Court to ensure that the trial of the petitioners is concluded within the time frame of six months from the date of receipt of this order.

4. At the same time, it would be the responsibility of Superintendent of Police, Supaul to produce the

witnesses in connection with Karjain P.S. Case No. 73 of 2012 giving rise to Sessions Case No. 166 of 2014, and therefore a direction is also issued to the prosecuting agency including the Superintendent of Police, Supaul to ensure that the remaining six witnesses in the aforesaid case are produced before the trial Court within a period of four months from the date of receipt of this order, so that the trial of the petitioner is concluded within a period of six months from the date of receipt of this order as also indicated in the aforesaid report of the trial court.

5. The trial Court after concluding the trial within the aforementioned period of six months, would be under an obligation to send compliance report to this Court.

6. With the aforesaid observations and directions this application is disposed of.

7. Let a copy of this order be sent both to the trial Court as also to the Superintendent of Police, Supaul for its strict compliance.

(Mihir Kumar Jha, J)

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