

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9730 of 2014

Arising Out of PS.Case No. -23 Year- 2006 Thana -WARSALIGANJ District- NAWADA

=====

1. Md. Musatak @ Anwar Mustak @ Bamman Mian Son Of Mumtaj @ Mustan Mumtaj R/O Village Bharawpar, P.S. Lehari, District Nalanda, At Biharsharif.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Khurshid Anwar (App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

6 07-08-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 30.07.2011 on the accusation that having entered into the house of the informant gave several dagger blows to the informant as well as her sister as a result of which the informant's sister died then and there.

It would appear from the report dated 15.01.2015 sent by Additional Sessions Judge-II, Nawada that up till now only three official witnesses could be examined and in spite of issuance of warrant of arrest and other processes, neither informant nor any other witness could be examined in this case. Furthermore, I find that this court took several steps directing the concerned



Superintendent of Police as well as D.I.G. to ensure the presence of prosecution witnesses before the trial court but all went in vain and the concerned police officials could not produce the witnesses before the trial court nor sent any execution report of warrant of arrest issued against the prosecution witnesses to the concerned court.

However, taking note of allegation levelled against the petitioner as well as submissions of the parties, the prayer for bail of the petitioner in connection with Sessions Trial No. 266 of 2011/32 of 2014 arising out of Warisaliganj P.S. Case No. 23 of 2006 pending in the court of Additional Sessions Judge-II, Nawada stands rejected.

However, the learned trial court is directed to conclude the trial of the petitioner within six months from the date of receipt/production of copy of this order and the Superintendent of Police, Nawada is directed to ensure the presence of remaining prosecution witnesses of above stated case before the trial court within two months from the date of receipt/production of copy of this order, failing which the matter shall be viewed seriously and this court will think to take appropriate action against the concerned police officials in accordance with law. It is made clear that if the trial of the petitioner is not concluded within the above

stated period of six months, the petitioner may renew his prayer for bail before the trial court itself and if petitioner does so, the trial court shall pass appropriate and reasoned order on the bail application of the petitioner. Furthermore, the trial court is directed to send a copy of this order to Superintendent of Police, Nawada so that the Superintendent of Police, Nawada could take step for compliance of order of this Court.

The office must communicate this order to the trial court as well as concerned Superintendent of Police without any delay.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--