

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.44325 of 2011**

Arising Out of PS.Case No. 238 Year- 2007 Thana Dehri (Indrapuri) District- SASARAM  
(ROHTAS)

- =====
1. Ram Nagina Singh, son of Late Jag Narayan Singh
  2. Sanjay Singh
  3. Sunil Singh

Both sons of Ram Nagina Singh

All R/O Village-Patanwa Kala, P.S. –Dihri (Indrapuri) Distt.Rohtas.

.... .... Petitioner/s

Versus

The State Of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rewti Kant Raman, Adv.

For the State : Mr. Surendra Pd. Singh, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 10-04-2015**

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated 29.9.2011 by which the Additional Sessions Judge, F.T.C. 1<sup>st</sup>, Rohtas at Sasaram, has refused to discharge to the Petitioners in Sessions Trial No. 3 of 2011.

The counsel for the Petitioners submits that there was a counter version of the occurrence in which the Prosecution side was put on trial and convicted and, hence, they should be discharged in the present case which was instituted falsely. Further submission is that the Investigating Officer did not corroborate the place of occurrence nor that an offence under Section 307 Indian Penal Code is made out

in the facts of the case.

Considering that these are matters of facts which cannot be gone into at this stage, the application stands dismissed.

The Trial Court is directed to expedite the Trial expeditiously without granting unnecessary adjournment to any Party for which reason, he is directed to send a list of the witnesses **fixing specific dates** for production of the witnesses along with a copy of this order in connection with Dehri (Indrapuri) P.S. Case No. 238 of 2007, to the Superintendent of Police, Rohtas at Sasaram, and the Superintendent of Police, Rohtas at Sasaram, is directed to ensure production of the witnesses on the date so fixed by the Trial Court so that there is no further delay in trial.

I have also perused the report of the Additional District and Sessions Judge, 1<sup>st</sup>, Rohtas in regard to trial who has reported that by order dated 29.9.2011, the application for discharge was rejected by the Trial Court and the case record was fixed for framing of charge. The file was transferred to his Court on 8.9.2014.

I am surprised that even though, there was no stay granted by this Court, the matter was kept pending for so many years at stage of charge. If at all, co-accused Arun Singh and Rakesh Kumar were not appearing, stringent steps should have been taken for their appearance including cancelling their bail bonds.

It is suggested that the Trial Court be more conscious of  
his duty towards an expeditious trial.

(Anjana Prakash, J)

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