

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11960 of 2015

Arising Out of PS.Case No. -30 Year- 2013 Thana -MAHILA P.S. District- SAMASTIPUR

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Bipin Sharma, S/o Late Patel Sharma, Resident of Mohalla Chanwari, West of Railway Central School, Magardahi, Police Station Samastipur (M), Town & District Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Chandra Bose

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 25-03-2015 Heard learned counsel appearing on behalf of the petitioner. None appears on behalf of the State.

The petitioner was earlier granted bail by this Court by an order dated 21.05.2014 passed in Cr.Misc.No.12314 of 2014 (Annexure-1), but with certain conditions as also with certain observations, which are reproduced hereinbelow:-

“The above named petitioner is directed to be enlarged on bail on furnishing bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in Samastipur Woman P.S. Case No.30/13, subject to the conditions as under:-

(a) that one of the bailors must be a government servant or close family member or relation of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner; and

(b) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates the petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

In view of the nature of dispute

between the parties, this Court is of the opinion that the trial of the present case should be expedited. Learned Chief Judicial Magistrate, Samastipur is hereby directed to take all steps for early conclusion of the trial of the petitioner. The petitioner shall be obliged to cooperate in early conclusion of the trial. All endeavour should be made by the learned court below to conclude the trial within a period of nine months from the date of receipt/production of a copy of this order.”

Learned counsel appearing on behalf of the petitioner submits that on account of non-appearance of the petitioner on two consecutive dates bail granted to him earlier by this Court was cancelled by an order dated 05.08.2014. Thereafter, the petitioner surrendered on 07.11.2014 and prayed for bail, which has been rejected by the learned court below.

In the factual matrix of the case and in view of the observations made by this Court on earlier occasion in the last paragraph of the order, reproduced above, this Court is of the opinion that the trial of the petitioner itself be taken up on priority basis and all endeavours should be made to conclude the same at an early date preferably within a period of six months from the date of receipt/production of a copy of the present order. It is ordered accordingly.

It is expected that the petitioner shall not seek unnecessary adjournment and shall co-operate in early conclusion of the trial.

The application stands disposed of with the observations and directions made above.

Arvind/-

(Birendra Prasad Verma, J)

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