

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6978 of 2016

Arising Out of PS.Case No. -49 Year- 2014 Thana -SANHOLA District- BHAGALPUR

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1. Diwakar Mandal Son of Late Jaldhar Mandal, Resident of Village -
Chaksuleman (Nanokhar), P.S. - Sanhoulla, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Satyendra Narayan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 13-07-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The learned Additional Chief Judicial Magistrate-V,
Bhagalpur has reported vide his letter no. 17 dated 12.05.2016 that
one co-accused, namely, Hema Devi, who happens to be mother of
the petitioner is absconding even after issuance of process of 83
Cr.P.C. The report of aforesaid court goes to show that up till now,
case of the petitioner has not been committed to the court of
sessions. Petitioner is in jail custody since 19.05.2015 and I am
unable to understand as to why the case of the petitioner has not
been committed to the court of sessions by the concerned court
after separating his case from the case of other accused.

However, the concerned court below i.e. Additional

Chief Judicial Magistrate-V, Bhagalpur is directed to commit the case of the petitioner to the court of sessions in accordance with law within a week from the date of receipt/production of copy of this order after separating his case from the case of other accused. Furthermore, after commitment, the Sessions Judge, Bhagalpur shall ensure the conclusion of trial of the petitioner within six months from the date of receipt of the record in Sessions court, failing which the petitioner shall be entitled to renew his prayer for bail before the concerned trial court.

With the aforesaid observations, this petition filed in connection with Sanhaulla P.S. Case No. 49 of 2014 is again rejected.

(Hemant Kumar Srivastava, J)

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