

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41949 of 2015

Arising Out of PS.Case No. -122 Year- 2010 Thana -KOILWAR District- BHOJPUR

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1. Firoz Hussain Son of Late Wasi Ahmad Resident of Village - Mahgudi,
Police Station - Govindpur, Dist.- Dhamadi (Assam)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary

For the Opposite Party/s Mr. Satyendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 17.02.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Trial court has reported that the prosecution has already
concluded its evidence and evidence of the prosecution was closed on
6.11.2015 but while case was pending for recording statement under
section 313 of the Cr.P.C, one co-accused, namely, Manoj Kumar
jumped bail and even after issuance of process, his presence could not
be procured and that was the reason statement of accused could not be
recorded under section 313 of the Cr.P.C.

I am unable to understand as to why trial court failed to
proceed against the petitioner and rest accused who were present
before the trial court by separating case of absconding accused,
namely, Manoj Kumar from original record.

Moreover, trial court must proceed with the trial even after
separating case of absconding accused, namely, Manoj Kumar from

original record and conclude the trial within one month from the date of receipt/production of a copy of this order.

So far as prayer for bail of the petitioner is concerned, the same stands rejected.

Let this order be communicated to the court of the Addl. Sessions Judge III, Bhojpur at Ara in NDPS case no. 10/2010 arising out of Koilwar P.S. Case no. 122/2010 without any delay.

(Hemant Kumar Srivastava,J)



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