

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44220 of 2014

Arising Out of PS.Case No. -179 Year- 2011 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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1. Bidyanand Gope son of Sharan Gope resident of Village - Jaitpur, P.S.
Chandi, District - Nalanda.

Petitioner/s

Versus

1. The State of Bihar.

. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Abhay Kr. Roy(App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

4 24-02-2016

Perused the report sent by the learned Sessions Judge, Nalanda at Biharsharif vide letter no. 1959 of 2016, dated 16th Februry, 2016. It has been stated in the said report that the facts and circumstances show that the processes directed to be issued by the court were not issued by the office in time and some times, not even complied with. The court also did not take any action against the office clerk for such negligence on his part and so the trial could not be proceeded in proper direction. It is, however, stated by the learned Sessions Judge that the learned Additional Sessions Judge IInd, Hilsa, Nalanda, who is in seisin of Sessions Trial No. 526 of 2013 arising out of Chandi P.S. Case No. 179 of 2011, proceeded in such a leisurely manner that he did not take care of the case and left the case at the hands of the Office Clerk or the Bench Clerk to play with the Session Trial like any thing for the reasons best known to him.

It is a horrible state of affair and liable to take note of it. The learned Sessions Judge is directed to proceed in accordance with law for the lapses on the part of the Office Clerk.

Let this order and the report of the learned Sessions Judge be placed before the Standing Committee of this Court by the Registry so that the Hon'ble Court may take appropriate steps in the matter for creating such a situation.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in connection with Sessions Trial No. 526 of 2013 arising out of Chandi P.S. Case No. 179 of 2011 registered under section 302/34 of the Indian Penal Code pending in the court of the learned Additional Sessions Judge IInd, Nalanda at Biharsharif.

Prayer for bail of the petitioner was earlier rejected by this Court by order dated 10.09.2012 passed in Criminal Misc. No. 25414 of 2012. I find no fresh reason to reconsider the prayer for bail of the petitioner. His prayer for bail is, accordingly, rejected.

However, the trial court is directed to proceed in the matter in accordance with law with effective order and see that the order passed by the court is complied with and if the order passed by the court is not complied, then steps be taken for non compliance of the order with appropriate proceeding against the person concerned.

(Gopal Prasad, J)

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