

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35478 of 2015

Arising Out of PS.Case No. -30 Year- 2015 Thana -MAHILA PS District- DARBHANGA

Md. Shamim @ Chotu, Son of Md. Mustafa, resident of Village- Bela
Nayatola Sunderpur, P.S. L.N.M.U District Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.35175 of 2016

Arising Out of PS.Case No. -30 Year- 2015 Thana -MAHILA PS District- DARBHANGA

Md. Shamim @ Chotu, Son of Md. Mustafa, resident of Village- Bela
Nayatola Sunderpur, P.S. L.N.M.U. District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.35478 of 2015)

For the Petitioner : M/S. Manish Kumar No 13 & Rohit
Kumar, Advocates.

For the Opposite Party : Mr. Ambika Bhagat(Spl.App)

(In Cr.Misc. No.35175 of 2016)

For the Petitioner : M/S. Manish Kumar No. 13 & Rohit
Kumar, Advocates.

For the Opposite Party : Mr. Atul Chandra, A.P.P. No. 12.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 21-09-2016 Heard learned counsel for the petitioner and the learned
counsel for the State.

Cr. Misc. No. 35478 of 2015 was disposed of vide order
dated 05.10.2015 with a direction to the learned court below to



conclude the trial preferably within a period of nine months from the date of receipt/production of copy of the order passed therein. In pursuance to the said observation, the petitioner has preferred his second bail application vide Cr. Misc. No. 35175 of 2016. In the meantime, the learned court below vide Letter No. 311/2016 dated 08.08.2016, made a request for extension of another six months time for concluding the trial. In the said letter, it has been reported that the trial could not be concluded as the informant has not turned up for her deposition. It is further stated that F.S.L. report has also not been received in the court below. The petitioner is in custody since 21.05.2015.

Considering the aforesaid letter of the learned court below, I am not inclined to grant bail to the petitioner. Hence, his application for grant of bail vide Cr. Misc. No. 35175 of 2016 is rejected in connection with Mahila P.S. Case No. 30 of 2015, Sessions Trial No. 347 of 2015, pending in the court of learned Additional District & Sessions Judge-1, Darbhanga. The court below is granted further six months time to conclude the trial from the date of receipt/production of copy of the order.

The District Magistrate, Darbhanga and the Senior Superintendent of Police, Darbhanga, are directed to ensure that all the remaining prosecution witnesses are produced on the date

fixed by the learned court below so that the trial could be concluded within the stipulated period.

The Director, Forensic Science Laboratory, Bihar, Patna, is also directed to ensure that the F.S.L. report of the victim is received in the learned court below as early as possible.

Let a copy of this order be communicated to the District Magistrate, Darbhanga and the Senior Superintendent of Police, Darbhanga, and the Director, Forensic Science Laboratory, Bihar, Patna.

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(Sudhir Singh, J)