

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7568 of 2016

Arising Out of PS.Case No. -285 Year- 2013 Thana -MANER District- PATNA

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Teni Mahto Son of Bishwanath Mahto Resident of village - Kahari tola
Sarai, P.S. Maner, District - Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate.

For the Opposite Party/s : Mr. S. Dayal, APP.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 11-05-2016

The petitioner wants to renew prayer of bail in connection with Maner P. S. Case No. 285 of 2013 pending in the Court of learned Judicial Magistrate, 1st Class, Danapur, Patna which was earlier rejected by order dated 24.12.2014 and 18.03.2015 passed in Criminal Misc. No. 32059 of 2014 and Criminal Misc. No. 6305 of 2015 on the ground that the petitioner is in custody since 26.09.2013 and up till now the case has not been committed and as such in near future, the trial is not likely to be concluded. As a matter of fact, it is case of love affairs and the victim went away herself but in pressure she changed her version. The doctor has not found any sign of rape and further she has been found aged between 16 to 17 years.

The learned APP opposes the prayer of bail by submitting that there is allegation against the petitioner for committing rape with the informant also.

In the facts and circumstances stated above, at present I am not inclined to reconsider the prayer of bail of the petitioner and again his such prayer stands rejected.

From the report of Shri Anil Kumar Thakur, Judicial Magistrate 1st Class, Danapur, Patna, it reveals that the case has not been committed as yet due to non-submission of complete case diary. It is a serious matter. Show cause has already been issued against the concerned I.O. by the learned Judicial Magistrate but I.O has not submitted the case diary.

Under the circumstances, the Senior Superintendent of Police, Patna is directed to take action against erring police officer who in spite of the order of the learned Judicial Magistrate has not submitted the complete case diary.

The learned Judicial Magistrate is also directed to commit the case after receipt of the case diary at once so that the trial be started and concluded as per the amended proviso of Section 309 of the Code of Criminal Procedure.

Let a copy of this order also be sent to Senior Superintendent of Police, Patna for immediate compliance.

(Jitendra Mohan Sharma, J.)

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