

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48296 of 2015

Arising Out of PS.Case No. -6 Year- 1991 Thana -BARBIGHA District- -

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1. Uday Singh S/o Late Basudev Singh Resident of Village - Sherpur, P.S. - Barbigha, District - Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh

For the Opposite Party/s :Mr. T.P.Mandal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04/ 03.08.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 302 and other minor sections of the Indian Penal Code and section 27 of the Arms Act.

Petitioner appears to be the main shooter and admittedly, three persons were done to death in the present occurrence which had taken place in the year 1991 but the petitioner could be remanded in this case on 5.7.2013.

Submission on behalf of the petitioner is that having similar allegation co- accused Vijay Singh has already been granted privilege of bail by a coordinate bench of this court vide order dated 28.10.2009 passed in Cr. Misc. no.27057/2009 but I am not at all convinced with the aforesaid submission and taking note of the previous conduct of the petitioner as well as allegation levelled against him, prayer for bail

of the petitioner in connection with Barbiga P.S. Case no. 06/1991 stands rejected.

The Chief Judicial Magistrate, Sheikhpura has reported that this court had called for report in connection with Sessions Trial no. 1094 of 2008/ 54 of 1993 arising out of Barbiga P.S. Case no. 06/1991 but the aforesaid sessions trials were not pending in his court and that is the reason, he forwarded the order to Addl. Sessions Judge, Sheikhpura.

Learned Chief Judicial Magistrate, Sheikhpura has also reported that he has taken several steps to procure original record of the concerned case but it has been reported by the in-charge of the record room that original record of the aforesaid case is traceless.

I am not at all satisfied with the report of Chief Judicial Magistrate, Sheikhpura because it appears to me that he refused to obey the order of this court only on technical ground.

However, learned Sessions Judge, Sheikhpura is directed to look into the matter and take steps to find out missing record. It is made clear that if learned Sessions Judge, Sheikhpura fails to get the record in question trace out within one month, then learned Sessions Judge, Sheikhpura shall pass order for reconstruction of the concerned record and after reconstruction of the record, the concerned Magistrate shall commit the case of the petitioner to the court of sessions in accordance with law without any delay.

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(Hemant Kumar Srivastava,J)

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