

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5941 of 2015

Arising Out of PS.Case No. -44 Year- 2013 Thana -JOGBANI District- ARRARIA

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SANKET KUMAR BHARTI @ THAKUR @ CHHOTU @ SANKET
KUMAR THAKUR S/o Saini Thakur Resident of vill-Netaji Chowk,Patel
Nagar,Ward no.13,P.S-Jogbani,District-Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr. Raj Bansh Dubey, Advocate.
For the State : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

4 04-05-2016 Perused the report of learned Additional District &

Sessions Judge as well as learned District & Sessions Judge,

Araria.

The bail petition of the petitioner was earlier dismissed
with direction to expedite the trial by the trial court and District &
Sessions Judge to monitor the case for early disposal.

It is horrible that trial court did not take any steps/response
for issuance of warrant and summons against the witnesses.
Further no steps have been taken against the erring officer for non-
compliance of the order and only paper work has been done by
issuingailable and non-ailable warrant of arrest, even no
explanation has been given for non-compliance of issuance of
summons and warrant and the P.O. conducting the case in
leisurely manner which appear to show not conclude the trial even

the executing authority did not take any pain for compliance of the Court's order and it is very sorry state of affairs.

Further, learned District & Sessions Judge could not be able to ensure the attendance of the witnesses when the accused is in jail custody for three years and only paper work has been done by writing letter to the authority for production of the witnesses which shows trial court is not authority to ensure the attendance of the witnesses.

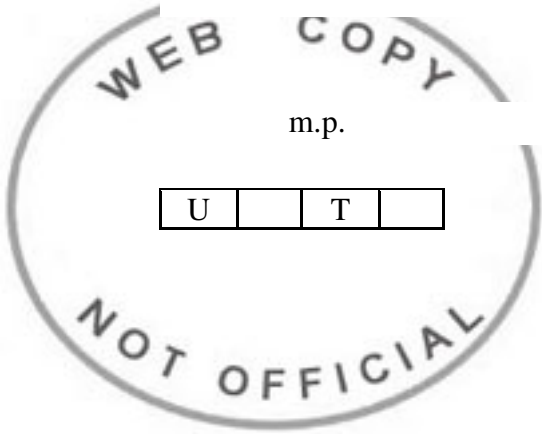
Hence, the trial court is directed to conclude the trial within four months by taking coercive steps against the witnesses through the Superintendent of Police, Araria. Further directed if processes issued through the concerned Superintendent of Police and it has not complied then trial court proceeded in accordance with law against the erring officer for non-production of the witnesses as non-production of witnesses amongst gross negligence of administration of justice.

Further the trial court is directed to conclude the trial and dispose of the case within four months, failing which the petitioner may renew his prayer for bail before the trial court or in consequence before this Court.

However, if the trial not concluded within stipulated period then the trial court shall give report in detail about the step taken, cause for delay in disposal and fixing responsibility.

Let a copy of the order be sent to the trial court and the Superintendent of Police, Araria, for immediate compliance..

With the above observation, the petition is disposed of.



(Gopal Prasad, J)