

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24573 of 2016

Arising Out of P.S. Case No. -31 Year- 2015 Thana -MALSALAMI District- -

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Nikhil Kumar, Son of Arun Kumar Shah, resident of Mohalla- Main Road
Madhav Mills, in front of Bihar Furniture, P.S. Malsalami, District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate.

For the Opposite Party/s : Mr. (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-11-2016 Heard both sides.

The petitioner seeks bail in Spl. Case No. 42/2015, arising out of Malsalami P.S. Case No. 31 of 2015 registered under Sections 366(A), 34 of the Indian Penal Code and Section 3(1-xii) of the SC/ST Act.

The prayer for bail of the petitioner was earlier rejected vide order dated 24.09.2015 passed in Cr. Misc. No. 23696/2015. Learned counsel for the petitioner submits that the trial court was directed vide order dated 24.09.2015 to expedite the trial and conclude the same within six months from the date of receipt of the order. The aforesaid order was received in the trial court on 15.10.2015 but on the perusal of the report of the Special judge, it appears that charge was framed on 18.10.2016.

On the face of it, it appears that the trial judge has not



perused the order of this Court passed in Cr. Misc. No. 23696/2015 by which he was directed to conclude the trial within six months. It is a very sorry state of affairs that when the trial was directed to be concluded within six months, the trial judge framed the charge after more than a year from the date of receipt of the order.

Considering the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail in Spl. Case No. 42/15, arising out of Malsalami P.S. Case No. 31/15. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day-to-day basis and conclude the same within six months from the date of receipt / production of this order.

The Senior Superintendent of Police, Patna is directed to ensure the presence of all the prosecution witnesses in the court of the learned Special Judge (SC/ST), Additional Sessions Judge IV, Patna in Spl. Case No. 42/15, arising out of Malsalami P.S. Case No. 31/15.

If the trial is not concluded within six months, the petitioner may renew his prayer for bail firstly in the trial court itself.

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(Prabhat Kumar Jha, J)

