

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51583 of 2015

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1. Fucho Paswan Son of Late Biro Paswan resident of village - Simariya Tola, Sismani, P.S. Barauni , District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s Mr. Ashok Kr.Singh No.1(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 16.03.2016

Heard learned counsel for the petitioner as well as learned

Addl. Public Prosecutor for the State.

Earlier prayer for bail of the petitioner was rejected by this court vide order dated 17.4.2015 passed in Cr. Misc. no. 1702/2015 taking note of allegation levelled against the petitioner but again, this petition has been filed on the ground that petitioner is languishing in jail custody since long.

The trial court has reported that up till now, case has not been committed to the court of sessions, though 24.2.2016 had been fixed for committing the case to the court of sessions.

It is very unfortunate that petitioner is in jail custody since 19.8.2014 and cognizance of the offence was taken on 31.10.2014 and even after lapse of more than one and half year, learned Chief Judicial Magistrate, Begusarai could not succeed to commit the case to the court of sessions. The Chief Judicial Magistrate, Begusarai has not even taken pain to report the reason for delay in commitment of the

case.

The prayer for bail of the petitioner in connection with Barauni P.S. Case no. 247/2014 is, again, rejected.

However, Chief Judicial Magistrate, Begusarai/concerned court is directed to commit the case of the petitioner to the court of sessions without any delay in accordance with law and after commitment, the concerned Sessions court must take all positive steps to conclude the trial of the petitioner within six months from the date of framing of the charge.

It is made clear that if the trial of the petitioner is not concluded within six months from the date of framing of the charge on account of laches of the prosecution, petitioner may renew his prayer for bail before the trial court itself.

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(Hemant Kumar Srivastava,J)

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