

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22401 of 2017

Arising Out of PS.Case No. -57 Year- 2009 Thana -SITAMARHI District- SITAMARHI

=====

1. Laxmi Sah S/o Late Raghunath Sah @ Ram Narayan Sah, Resident of
Village- Naya Tola Mehsaul, P.S. Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Yogendra Kumar Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 07-08-2017 Heard the parties.

This application is for grant of regular bail in connection with Sessions Trial No.399 of 2011 arising out of Sitamarhi P.S.Case No.57 of 2009, for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

The petitioner is named in the F.I.R. and the case is under Section 302/34 of the IPC. It further appears that in this case the petitioner was absconding, as such the charge-sheet has been submitted showing him absconding and later on he surrendered in this case on 27.8.2016 and since then he is in custody.

Submission of the learned counsel for the petitioner is that statement of the evidence is self-contradictory and it is not believable and apart from that there is nothing against him and now he is in custody for one year. It is submitted that the charge



has been framed and there is no progress in the trial as the court is vacant.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner.

So far submission of the learned counsel for the petitioner that the court is vacant is concerned, it appears that a circular has already been issued, directing all the courts that all the courts which are incharge, have also to perform all duties of that court and the court can not take a plea that the court is vacant, as such no progress has been made.

In such view of the matter, the learned trial court is directed to expedite the trial of the petitioner and try to conclude the same within a period of six months, as the charge has been framed in this case. If not concluded, the petitioner is at liberty to renew his prayer for bail before the court concerned.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

chn/-



U			
---	--	--	--

