

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54873 of 2016

Arising Out of PS.Case No. -140 Year- 2014 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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1. ZAKIR MIAN @ ZAKIR ALI, Son of Abdul Gaffar, Resident of Nazani Chowk P.S. Bettiah Town, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s Mr. R.P.S. Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04 26.04.2017 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Learned ACJM VII, Bettiah, West Champaran vide letter no. 62A dated 4.4.2017 has reported that first charge sheet was sent to copying department on 27.3.2017 and the same was returned to the court on 30.3.2017 but first charge sheet was not tagged with the record by the concerned clerk and that was the reason at the time of preparing letter no. 40 dated 4.3.2017, he did not mention about submission of first charge sheet. He also reported that show cause notice has been issued to the concerned clerk.

Although learned Addl. Chief Judicial Magistrate tried to explain the circumstance in which letter no. 40 dated 4.3.2017 was submitted but I am not at all convinced with the explanation given by the concerned officer. However, it is pertinent to note here that, again, same officer failed to submit stage and reason for delay in not



committing the case to the court of sessions.

So far as prayer for bail of the petitioner is concerned, it appears that there is specific allegation of firing against this petitioner who does have criminal antecedent of near about 17 cases.

No doubt, the petitioner is in jail custody for more than one year but taking into consideration the nature of the allegation as well as his criminal antecedent, I am not inclined to release him on bail and hence, his prayer for bail in connection with Bettiah Town P.S. Case no. 140/2014 is, again, rejected.

However, the concerned officer is warned to be more cautious and vigilant while complying with the order of this court. The concerned court should commit the case of the petitioner to the court of sessions in accordance with law as early as possible preferably, within two weeks from the date of receipt/production of a copy of this order, if the same has not been committed to the court of sessions as yet and after commitment, the concerned Sessions court shall expedite the trial of the petitioner and try to conclude the same as early as possible.

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(Hemant Kumar Srivastava,J)

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