

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28330 of 2017

Arising Out of PS. Case No.-256 Year-2014 Thana- Kotwa District- East Champaran

Munna Kumar @ Munna Singh, son of Satrugshan Singh, resident of Village-
Nawada, Police Station- Kotwa, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7. 06-12-2017 Heard Sri Sanjay Kumar No. 7, learned counsel for the
petitioner and Sri Ram Bilash Roy Raman, learned Addl. Public
Prosecutor.

This is the 2nd attempt for grant of bail on behalf of the
petitioner. Earlier, the prayer for bail of petitioner was rejected
on 07-12-2015, vide Cr. Misc. No. 52518 of 2015, keeping in
view the fact that petitioner was the main assailant.

Learned counsel for the petitioner on the last date had
argued that without any trial, petitioner is languishing in jail
since long. Thereafter, a report was called for from the court
below. Since, the report was not received, this Court had sought
for an explanation and thereafter, show cause notice was issued
to the concerned District Judge regarding explanation for non-
submission of the report.



In compliance with the order of this Court, the District & Sessions Judge, East Champaran at Motihari has submitted a detailed show cause, which is kept at flag 'C', in which, appropriate explanation has been given, due to which, the earlier report was not received to this Court.

The Court is satisfied with the explanation, however; on going through the explanation, it is evident that in the present case, initially two accused persons were chargesheeted and subsequently, on 30-06-2015, supplementary chargesheet against the petitioner and others was submitted and finally, the case was committed to the court of sessions in the month of November, 2017. The Court does not appreciate the conduct of the concerned Magistrate, before whom, the matter was pending. Though, reason has been assigned that other accused persons were not appearing and thereafter, time consumed in separating their cases. Such action was required to be taken by the learned Magistrate at the earliest.

However, since the case has already been committed to the court of session and it has been numbered as Sessions Trial No. 1148 of 2017, there is no reason to review my earlier order.

Accordingly, the prayer for bail again stands rejected.

Considering the fact that petitioner is in custody since



29-04-2015, while dismissing, it is desirable to observe that learned trial court as well as prosecution may take appropriate step so that the case may come to its logical end without unnecessary delay.

Let a copy of this order be sent to the concerned Superintendent of Police for securing attendance of the witnesses, as and when required by the trial court.

(Rakesh Kumar, J.)

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