

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19888 of 2017

Arising Out of PS.Case No. -42 Year- 2012 Thana -SIDHWALIA District- GOPALGANJ

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1. Arjun Ram Son of Ashok Ram Resident of Village - Salempur, P.S.
Sidhwalia, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-06-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Gopalganj Sidhwalia P.S.
Case No. 42 of 2012 corresponding to Sessions Trial No. 331 of
2012 instituted for the offence under Sections-307, 302 & other
minor sections of the Indian Penal Code.

It is submitted that there is case and counter case
between the parties. The petitioner is in custody since 01-05-2012.

Earlier prayer for bail of the petitioner was twice
rejected by this court. While rejecting the prayer for bail of the
petitioner vide order dated 17-09-2014 passed in Cr. Misc. No.
43691 of 2013, this court had directed the court below to conclude
the trial of the petitioner as early as possible.

The report as called for from the court below, has been



received wherein, it has been mentioned that the case is pending for recording of the statement of accused persons u/S 313 of the Cr. P.C. Further it has been stated that against the order dated 02-09-2015, Cr. Misc. No. 630 of 2016 has been filed by the accused persons and, therefore, no statement has been recorded.

This court is unable to understand that why the statement of accused persons was not recorded by the court below u/S 313 of the Cr. P.C. merely because of filing of Cr. Misc. Petition by the accused persons, when there is no stay order from this court. The approach of the court below appears to be totally casual.

As per order dated 17-09-2014, the court below was directed to conclude the trial of the petitioner as early as possible.

In such circumstances, the court below is directed to proceed with the trial in accordance with law and make all efforts to conclude the trial expeditiously, preferably, within a period of six months from the date of receipt/production of copy of this order by giving short adjournments in the case.

Accordingly, prayer for bail of the petitioner stands rejected at this stage with the aforesaid direction.

In case, the trial of the petitioner is not concluded within the period of six months, the petitioner will be at liberty to



move the court below itself for grant of bail.

In the event, the trial is not concluded within the above-said period of six months, the court below will submit an explanation to this court mentioning the reasons for non-conclusion of trial.

(Sanjay Priya, J)

A.K.V./-

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