

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48108 of 2014

Arising Out of PS.Case No. -14 Year- 2004 Thana -KAMTAUL District- DARBHANGA

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Ram Sevak Sada Son of Late Saryug Sada resident of village-
Madhopatti, Police Station- Kamtaul, District- Darbhanga

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Durgesh Nandan, Advocate

For the State : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the petitioner, learned
counsel for the Opposite Party No. 2 and learned Additional
Public Prosecutor for the State.

Learned counsel for the petitioner submits that in
fact the Block Development Officer has submitted a report
that the work of scheme no. 7/95/96 which was allotted to
the petitioner has already been completed.

This court has perused the copy of the first
information report and other materials placed by the
petitioner before this court. The impugned order dated
21.02.2014 specifically states that this petitioner is a named
accused and in course of investigation police has found



materials against him to charge-sheet and accordingly after submission of charge-sheet cognizance was taken in the matter on 21.06.2004 under Section 420 and 409 of the Indian Penal Code. The court found sufficient materials to frame charges against the petitioner.

The so-called report of the Block Development Officer is also not available on the record, moreover, it is a case in which cognizance was taken in the year 2004, this court is not inclined to interfere with the order rejecting the application of the petitioner under Section 239 Cr.P.C. The court below is directed to proceed with the matter on day to day basis as it is more than ten years old matter and must be disposed of within a period of three months from the date of production of a copy of this order.

This application is disposed of with the aforesaid directions and observations.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.10.2017
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