

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17896 of 2017

Arising Out of PS.Case No. -119 Year- 2012 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Chandraket Singh Son of Late Bindeshwari Singh, Resident of Village-
Delho, P.S.-Madhubani, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 28-06-2017 Heard learned counsel for petitioner as well as learned
Additional Public Prosecutor for the State.

Earlier, the prayer for bail of the petitioner was twice rejected by this Court. While rejecting the prayer for bail of the petitioner vide order dated 27.07.2016 passed in Cr. Misc. No. 9530 of 2016, this court directed the trial court to conclude the trial of the petitioner within six months from the date of receipt/production of a copy of this order and liberty was granted to the petitioner to renew his prayer for bail before the trial court itself, if his trial is not concluded within the above stated period of six months.

However, the impugned order of the learned 12th



Additional Sessions Judge, Motihari, goes to show that charge against the petitioner was framed on 23.09.2015 but out of seven charge sheeted witnesses, uptil now, only one witness, namely, Ram Prasad Singh, has been examined. Furthermore, the trial court has mentioned in the impugned order that earlier the record of sessions trial no. 423 of 2015 was pending in the court of 3rd Additional Sessions Judge, Motihari and on transfer, the aforesaid record was received in his court on 05.01.2016. The aforesaid fact goes to show that neither 12th Additional Session Judge, Motihari, nor learned Sessions Judge, Motihari took the direction of this Court seriously. However, considering that there is specific allegation against the petitioner that he opened fire causing firearm injury to the informant and the petitioner does have criminal antecedent of five cases, again, I am not inclined to release the petitioner on bail. Accordingly, his prayer for bail in connection with Session trial no. 423 of 2015 arising out of Madhuban P.S. Case No. 119 of 2012, pending in the court of 12th Additional Sessions Judge, Motihari, East Champaran, stands rejected.

However, the learned 12th Additional Sessions Judge, Motihari, is directed to expedite the trial of the petitioner and try to conclude the same as early as possible even by taking the trial of the petitioner on day to day basis.



Let a copy of this order be sent to the Superintendent of police, Motihari, with a direction to him to ensure the presence of prosecution witnesses within a month from the date of receipt/ production of a copy of this order. The trial court should also seek assistance of the Superintendent of Police, East Champaran, for procurement of the presence of the prosecution witnesses in his court by sending a letter to the Superintendent of police, East Champaran, Motihari attaching the copy of this order.

(Hemant Kumar Srivastava, J)

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