

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52001 of 2016

Arising Out of PS.Case No. -212 Year- 2012 Thana -BABUBARHI District- MADHUBANI

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1. Sanjay Kumar Singh @ Sanjay Ku. Singh, Son of Late Bhola Mahto,
resident of Village- Khair, P.S.- Babubarhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Gopesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-01-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Babubarhi P.S. Case No. 212 of 2012 giving rise to Sessions Trial No. 245 of 2013 for the offence under sections 304(B), 201/34 of the Indian Penal Code pending in the court of the learned Additional Sessions Judge VI, Madhubani.

It has been submitted that the petitioner is the husband of the deceased who is languishing in jail for the last five years. In this connection a report was called for from the court below as per the order of this Court dated 06.12.2016 which is at flag 'P' sent by the Incharge Additional Sessions Judge VI, Madhubani on 21.12.2016. It is stated in the said report that out of 24 charge-sheet witnesses only 10 witnesses have been examined so far. Last



witness was examined on 19.07.2016 and thereafter due to sad demise of Sri P. K. Sharma, Presiding Officer of the Court on 06.08.2016, the court is vacant since then.

This Court is unable to understand as to how the case remained pending in the vacant court when the petitioner is in custody since 08.01.2012.

The learned Sessions Judge, Madhubani will look into the matter himself and shall immediately transfer the aforesaid case to the running court with a direction to the court to expedite the trial by fixing it on day to day basis and conclude the same within a period of six months without giving any unnecessary adjournment. Thereafter the learned Sessions Judge will send his report to this Court and in the event of non-disposal of the trial, he will also explain the reason why the case has not been disposed of.

At the present I am not inclined to grant bail to the petitioner. This application for bail is, accordingly, dismissed. Since the trial has proceeded, as per report of the court below, the petitioner is given liberty to renew his prayer for bail if the trial is not concluded within the period aforesaid.

(Sanjay Priya, J)

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