

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38116 of 2016

Arising Out of PS.Case No. -601 Year- 2014 Thana -SHASTRINAGAR District- PATNA

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Md. Salim @ Yashwardhan S/o Md. Saiyad Usman Gani @ Ram Chandrawardhan R/o Nala Supara Flat No.- 404 Sai Sadan, P.S.- West Nala Supara, Distt.- Thane (Maharashtra) A/P -Shiv Neketan Jagat Narayan Road, P.S. Kadamkuan Distt.- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nityanand Kumar, Advocate.

For the Opposite Party : Mr. Atul Chandra, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-03-2017 Heard both sides.

The petitioner seeks bail in Shastrinagar P.S. Case No. 601 of 2014, registered for the offences punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

Prayer for bail of the petitioner was earlier rejected vide order dated 30.06.2015 with a direction to the trial court to expedite the trial and conclude the same within six months from the date of the aforesaid order.

Learned counsel for the petitioner submits that charges were framed against the petitioner on 01.07.2015 but till date not a single witness has been examined. A report was called for from the court of Smt. Aditi Gupta, the learned Judicial Magistrate, 1st



Class, Patna who is in seisin of the case and it appears that she has not stated any facts as to how the trial has not yet been concluded. She simply stated in her report that she joined on 08.11.2016 succeeding the court of Sarika Vahalia, but it is a very sorry state of affairs that in spite of direction of this Court the learned Judicial Magistrate did not take any appropriate action to conclude the trial.

Since the petitioner is in the habit of presenting such forged and fabricated cheques in different banks and as many as five cases are pending against the petitioner, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day-to-day basis and conclude the same within three months from the date of receipt of a copy of this order as the petitioner is in jail for more than two years. The S.S.P., Patna is directed to ensure the attendance of all the prosecution witnesses of Shastrinagar P.S. Case No. 601 of 2014 (G.R. No. 6542 of 2014), in the court of Smt. Aditi Gupta, the learned Judicial Magistrate, 1st Class, Patna so that the trial must be concluded within three months, failing which necessary action will be taken against the erring officers.

Let a copy of this order be transmitted to the Smt. Aditi



Gupta, the learned Judicial Magistrate, 1st Class, Patna as well as
the S.S.P., Patna for information and needful.

(Prabhat Kumar Jha, J.)

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