

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54053 of 2016

Arising Out of PS.Case No. -19 Year- 2012 Thana -PATNA GRP CASE District- PATNA

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1. Raj Kishore Prasad @ Kishori, son of Ganauri Mahto, resident of village- Hasan Chak, Chauriya, Police Station- Harnaut, Distt- Nalanda at Bihar Sharif.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s: Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 16-02-2017

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The Petitioner seeks bail in GRP Bakhtiyarpur P.S.

Case No.19 of 2012 instituted for the offence under Section(s)
302, 120-B/34 Indian Penal Code.

It has been submitted on behalf of the petitioner that he is in custody since 14.04.2012. His bail application was rejected thrice by this Court. Last order of rejection was passed on 11.05.2016 in Cr. Misc. No.12604 of 2015 with direction to the Court concerned to expedite the trial. This is fourth attempt.

A report was called for from the Court below about the present stage of the case. It is reported that entire original record of Sessions Trial No.820 of 2012 was sent to the Registrar General, Hon'ble High Court, through the District & Sessions



Judge, Patna, for reference in File No.50123/16/Legal Cell.

A report was called for from the Registrar General of the Court about the present status of File No.50123/16/Legal Cell, wherein, it has been mentioned that the file was called for from the District & Sessions Judge, Patna, vide this Court's Memo No. 50123/16/Legal Cell dated 06.08.2016, in the matter of Sri Krishna Pratap Singh, the then Sub-Judge III, Patna (under suspension with headquarter at Jehanabad) in compliance of resolution of the meeting of the Hon'ble Standing Committee held on 19.05.2016.

As per the report of the Court below dated 06.02.2017, the case is fixed for argument and at that time original record was called for and sent to the Hon'ble Court and the case in the lower court is fixed for awaiting original record.

This Court feels it proper that the aforesaid Sessions Trial be disposed off at the earliest as the accused is in custody for more than four years.

In the circumstances, the Registrar General, Patna High Court, is directed to seek permission from the Hon'ble the Chief Justice and send back the records to the lower court for completing the trial within a period of two months from the date of receipt of the lower court records and thereafter the same may



be returned back to the Court for its use in the departmental proceeding against the Officer concerned.

Accordingly, this application is disposed off with the aforesaid observations giving liberty to the petitioner that in the event trial is not concluded within the time as directed, he may renew his prayer for bail.

It is made clear that the petitioner will not in any manner attempt to delay the disposal of the case in the Trial Court. The Court below will ensure the disposal of the case within the time granted by this Court without granting unnecessary adjournment to the parties.

(Sanjay Priya, J)

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