

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6267 of 2017

Arising Out of PS.Case No. -150 Year- 2014 Thana -KASIMBAZAR District- MUNGER

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Vikram Yadav @ Vikram Kumar, Son of Late Dayanand Yadav @ Pravesh
Yadav, resident of Village- Kamarganj, P.S. Sultanganj, District Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate.

For the Opposite Party : Mr. Anuj Kumar Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 26-04-2017 The show cause filed on behalf of the Director, Forensic

Science Laboratory, Patna, is accepted and the same be kept on the

record.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 09.09.2014
in connection with Kasim Bazar P.S. Case No. 150 of 2014 for
the offences instituted under Sections 364, 120(B), 379, 302, 201
and 341 of the IPC.

The prosecution story, in brief, as stated in written report



of the informant Rahul Kumar is that his brother Rohit Kumar was residing at the house of his sister in Shastri Nagar, for the purpose of study. On 03.09.2014 at about 6.15 P.M. his brother Rohit Kumar left the house following a Mobile call riding on motorcycle bearing Registration No. BR08F 0493 alongwith his friend Sammi Kumar, while the informant was taking tea at Tinbatia Chowk Sitalpur, he saw his brother in company with Sammi Kumar, Kallu @ Ranjan Kumar and Ratan Sah. At about 8.30 P.M. he tried to contact his brother on his both mobile numbers bearing No. 7050477200 and 829866083 but his mobile was found switched off. When he was unable to search his brother, he lodged an FIR on 04.09.2014. His brother Rohit and Sammi did not return till evening on 06.09.2014. Informant had apprehension that his brother Rohit Kumar and his friend Sammi Kumar had been kidnapped and they have been murdered by these accused persons and all the accused persons have disappeared their dead body. Prior to this occurrence, a quarrel has taken place between Rohit and two accused persons named in the FIR and during it they had threatened him to kill.

In pursuance to the order dated 15.02.2017, a report regarding the stage of the case, same has been received from the court below. It has been reported that the court below had sent a



letter to the Director, Forensic Science Laboratory, Patna, to procure the F.S.L. report but in spite of that the said report could not be received in the court below. It was further expressed by the court below that if the said report is received, the trial could be concluded within a period of one month. Hence, an explanation was called for vide order dated 22.03.2017 from the Director, Forensic Science Laboratory, Patna, as to why the said report has not been communicated to the court below. An explanation has been filed by the Director, Forensic Science Laboratory. The paragraph nos. 4, 5, 6 and 7 of the show cause are as follows:

“4. That in compliance of the order dated 22.03.2017 passed in aforesaid case by the Hon’ble Court, the deponent has to say that the present case is arising out of Kasim Bazar P.S. Case No. 150/2014 of the District Munger.

5. That the deponent is enquired in the Laboratory and on being enquiring it has found that no any martial Exit has been received in my Laboratory concerning the aforesaid matter. Although a direction was given by order dated 08.09.2014 to the concerned SHO to deposit Exit in the Laboratory through proper resources but in spite of direction the same has been not deposited in my office of the Forensic Science Laboratory, Patna.

6. That the deponent by his letter no. 702 dated 10.04.2017 addressing to the Superintendent of Police, Munger, requested to send the same so that it may be examined in F.S.L. at Patna.

A photo copy of letter no. 702 of dated 10.04.2017



addressing to the S.P. Munger is annexed herewith and marked as Annexure-A to the show cause.

7. That the deponent by his letter no. 797 of dated 11.04.2017 addressing to the Principal Advocate General, Patna High Court, Patna, sent a letter stating therein that although deponent by his telephonic talked on 11.02.2017 with the Superintendent of Police for sending Exit martial relating to the Kasim Bazar P.S. Case No. 150/2014.

A photo copy of the letter no. 797 dated 11.04.2017 addressing to the Principal Advocate General is annexed herewith and marked as Annexure-B to the show cause.”

Admittedly, due to laches on the part of the Investigating Officer, the sample of the seized articles had not been sent for forensic examination to the Forensic Science Laboratory, Patna and due to which, the trial could not be concluded within the stipulated time as directed by this Court.

This is third attempt for grant of bail on behalf of the petitioner and since the case is at the concluding stage, I am not inclined to grant bail to the petitioner. The same is rejected in Sessions Trial No. 52 of 2015, arising out of Kasim Bazar P.S. Case No. 150 of 2014, pending in the court of learned Additional Sessions Judge-5th, Munger.



The court below is directed to proceed and conclude the trial as early as possible because no sample of the seized article has been sent by the Investigating Officer for forensic examination which is evident from the show cause filed on behalf of the Director, Forensic Science Laboratory, Patna.

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(Sudhir Singh, J)

