

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12184 of 2017

Arising Out of PS.Case No. -170 Year- 2013 Thana -AURAI District- MUZAFFARPUR

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Sarvesh Das, S/o Late Deep Narayan Das @ Bambai Das, Resident of
Village- Madhopur, P.S.- Runnisaidpur, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

4 10-05-2017 Let the supplementary affidavit filed on behalf of the
petitioner be kept on the record.

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

The petitioner seeks bail in connection with Sessions Trial
No.223 of 2016, arising out of Aurai P.S. Case No.170 of
2013(G.R. No.4554 of 2013), registered under Sections 302 and
120(B)/34 of the Indian Penal code, pending in the court of the
10th Additional Sessions Judge, Muzaffarpur.

Learned counsel appearing on behalf of the petitioner
submits that, earlier, the prayer of the petitioner for grant of bail
was rejected by a Bench of this Court vide order dated 25.02.2016



passed in Criminal Misc. No.50405 of 2015 on merit with a direction to the trial court to expedite the trial by taking coercive steps against the witnesses for early disposal preferably within a period of nine months but in spite of passing over 15 months of the aforesaid order, the trial of the petitioner has not been concluded as yet. Further submission is that, in fact, till 05.12.2016, nine witnesses had already been examined in this case and only two witnesses, namely, Lakhindra Sah (informant) and one Chhattu Paswan were to be examined but, thereafter, the petitioner was shifted to Bhagalpur Jail from Muzaffarpur Jail and since then there is no progress in the trial of the petitioner. The petitioner is in custody since 05.12.2014.

A report, as called for by this Court vide order dated 17.03.2017 regarding the stage of the trial and the number of charge sheet witnesses and how many charge sheet witnesses have been examined upto now, has been received from the court of the 10th Additional Sessions Judge, Muzaffarpur, vide letter no.49 dated 03.04.2017 from which it appears that the petitioner is not being produced in the court since 04.01.2017 while the letter has been sent to the Jail Superintendent, Bhagalpur for his production in his Court.

Admittedly, the prayer of the petitioner has already been



rejected on merit by a Bench of this Court vide order dated 25.02.2016 passed in Criminal Misc. No.50405 of 2015, as such, I find no reason to reconsider the prayer of the petitioner for grant of bail. Accordingly, the prayer of the petitioner for grant of bail stands rejected. However, the trial court is directed to expedite the trial of the petitioner and to conclude the same as early as possible, preferably within a period of six months. If the trial of the petitioner is not concluded within a period of six months, the petitioner would be at liberty to renew his prayer for bail.

Let a copy of this order be sent to the Inspector General of Police (Prison) with a direction to him to make necessary arrangement for the production of the accused-petitioner in the court of the 10th Additional Sessions Judge, Muzaffarpur, so that the trial of the petitioner may be concluded within the aforesaid period of six months.

(Rajendra Kumar Mishra, J)

P.S./-

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