

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61066 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -KRITYANAND NAGAR District- PURNIA

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Guru Charan Rishi, S/o Kamleshwari Rishidev, Resident of Village-
Bharaili, P.S.-Basaity, District-Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Kumar, Advocate.

For the Opposite Party/s : Smt. Anusuiya Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-01-2018

Heard learned counsel for the petitioner and the State.

Prayer for bail of the petitioner was earlier rejected by this Court vide order dated 1.5.2017 passed in Cr. Misc. 13049 of 2017 with liberty to renew his prayer for bail after six months, if no substantive progress is made in the trial.

There is specific allegation against the petitioner along with two other co-accused namely, Kaleshwar Rishi and Kharchan Rishi of assaulting the husband of the informant with *lalthi* and *danda*, on account of which, he became unconscious. Thereafter, he was taken to Sadar Hospital, Purnea, from where he was referred to Katihar Medical College. The informant could not take her husband to the Katihar Medical College on account of paucity of money and he died subsequently.

A report has been called for from the court below about



current stage of the trial which has been received. From the report it appears that charge has been framed in this case on 11.11.2016 and till date only one witness has been examined by the Trial Court. The petitioner is said to be in custody since 22.11.2016.

In such circumstances, from the report of the trial court it appears that trial court is totally negligent in proceeding in the trial.

The Trial Court is directed to fix the case on day-to-day basis and conclude the same as early as possible preferably within a period of nine months from the date of receipt/production of a copy of this order. The trial court is also directed to give information to the Superintendent of Police concerned about fixing the date of evidence of the witnesses in advance and Superintendent of Police concerned will produce the witnesses on the date so fixed by the trial court.

The prayer for bail of the petitioner is again rejected at this stage.

The petitioner is given liberty to renew his prayer for bail in the court below itself in the event the trial is not concluded within a period of nine months which will be disposed off by the court below in accordance with law. The trial court will give reason in the bail order for not concluding the trial within aforesaid period.

(Sanjay Priya, J)

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