

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25542 of 2018

Arising Out of PS.Case No. -184 Year- 2014 Thana -SITAMARHI District- SITAMARHI

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Bittu Tiwari @ Vishwajit Tiwari, Son of Ram Pravesh Tiwari, Resident of
Village-Sheohar Brahmasthan, P.S. Sheohar, District Sheohar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Ms. Babita Kumari, Adv.

For the Opposite Party : Mr. Kumar Ranjit Ranjan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER**

3 27-06-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Earlier, the prayer for bail of the petitioner was
rejected by this court vide order dated 22.07.2016 passed in Cr.
Misc. No. 24348 of 2016 and petitioner is in jail custody since
07.01.2016.

However, the Letter No. 85/2018 dated 11.05.2018
sent by Chief Judicial Magistrate, Sitamarhi goes to show that up
till now case of the petitioner has not been committed to the court
of Sessions as two co-accused are absconding.

In view of the aforesaid facts and circumstances, I am
not inclined to release the petitioner on bail and accordingly, his



prayer for bail in connection with Sitamarhi P.S. Case No. 184 of 2014 stands rejected, at least, at this stage.

However, the learned Chief Judicial Magistrate, Sitamarhi is directed to commit the case of the petitioner to the court of Sessions in accordance with law within two weeks from the date of receipt/production of a copy of this order after separating the case of the petitioner from the case of those accused persons who are absconding and furthermore, after commitment, the concerned sessions court shall frame charge, if any, against the petitioner in accordance with law within two weeks from the date of receipt of the record in sessions court and after framing of the charge, the concerned court shall conclude the trial of the petitioner within six months from the date of framing of the charge. It is made clear that if the trial court fails to conclude the trial of the petitioner due to laches of the prosecution, the petitioner may renew his prayer for bail. Furthermore, it is made clear that if the petitioner creates hurdle in smooth functioning of trial, the aforesaid liberty shall not be available to the petitioner.

(Hemant Kumar Srivastava, J)

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