

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17150 of 2018

Arising Out of PS.Case No. -119 Year- 2012 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Chandraket Singh S/o Late Bindeshwari Singh, R/o Village- Delho, P.S.-
Madhuban, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 02-05-2018 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 twice
rejected by this Court and while rejecting the bail prayer of the
petitioner, this Court directed the trial court to expedite the trial of
the petitioner and try to conclude the same as early as possible
even while taking the trial of the petitioner on day to day basis.

The copy of the aforesaid order was sent to the
Superintendent of police, Motihari with direction to him to ensure
the presence of prosecution witnesses within a month from the
date of receipt/ production of a copy of that order but the trial of
the petitioner is still pending and as per report of the trial court, up



till now only three prosecution witnesses, out of seven charge sheeted witnesses could be examined and to procure the attendance of remaining prosecution witnesses, letters have been issued along with non-bailable warrant of arrest but all went in vain. The Superintendent of Police vide letter no. 687 dated 26.04.2018 reported that altogether eight witnesses have been shown in charge sheet. There appears to be contradiction between the report of Additional Sessions Judge-XII, Motihari as well as Superintendent of Police, East Champaran because learned trial court has reported that altogether seven witnesses have been shown in charge sheet whereas Superintendent of Police, East Champaran, Motihari reported that altogether eight witnesses have been shown in charge sheet.

Moreover, the report of Superintendent of Police, East Champaran, Motihari goes to show that he has taken the direction of this Court in very casual manner and when this Court called for a report from him vide order dated 4.4.2018, the Superintendent of Police, then, directed to the concerned officer-in-charge for submitting his report. Moreover, the Superintendent of police has reported that witnesses are traceless and their houses was found locked.

Furthermore, I find that the learned Additional Sessions



Judge, Motihari has also taken direction of this Court in casual manner because he has not mentioned in his report as to whether the trial of the petitioner has been taken on day to day basis or not. In, the aforesaid circumstance, the learned trial court is directed to conclude the trial of the petitioner within four months from the date of receipt/ production of copy of this order even by taking trial of the petitioner on day to day basis and, furthermore, the Superintendent of police, East Champaran, Motihari is directed to submit execution report of warrant of arrest issued against the witnesses before the concerned court within a month from today. Furthermore, it is made clear that if the prosecution fails to produce its witnesses within two months from the date of receipt/ production of a copy of this order, the trial court shall release the petitioner on bail fixing the amount of bail bond to his satisfaction.

In the aforesaid manner, this application stands disposed of.

(Hemant Kumar Srivastava, J)

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