

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10067 of 2018

Arising Out of PS.Case No. -79 Year- 2016 Thana -AGIAUN District- BHOJPUR

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Arun Singh, S/o Degree Singh, R/o Village- Rampur, P.S.- Agiaon
(Garahni), District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 04-04-2018

Heard learned counsel for the petitioner and the State.

Prayer of the petitioner for bail was earlier rejected by this Court vide order dated 24.04.2017 passed in Cr. Misc. 14640 of 2017 with direction to the Trial Court to expedite the Trial and liberty was given to the petitioner to renew the prayer for bail after nine months, if no substantive progress is made by the Trial Court.

A report was called for from the Trial Court with regard to present stage of trial, which has been received vide letter No. 50 of 2018 dated 06.03.2018. From perusal of report it appears that case has been committed to the Court of Sessions only on 17.3.2018.

The explanation was called for from Additional Chief Judicial Magistrate- VII, Bhojpur at Ara, which has been received by letter No. 88 dated 31.03.2018. The report shows that no serious action was taken by court concerned to comply the order of this Court.

It has been submitted that petitioner is in custody since



24.11.2016.

The learned Additional Chief Judicial Magistrate-VII in his explanation dated 31.03.2018 has stated that the court took cognizance of the offence on 02.08.2017. The Office Clerk cum-Bench Clerk took the file for issuing process against other accused. Since 02.08.2017, the Office Clerk cum Bench Clerk failed to put the file before the Presiding Officer. It was only on 28.02.2018 the office clerk cum bench clerk put the file before the Presiding Officer. The court below has further mentioned in the explanation that on the day the file was produced, on 28.02.2018, the court immediately issued show cause to the bench clerk cum office clerk for not producing the file and also issued production warrant for appearance of the accused Arun Singh on next working day. But on that day due to observation of local Bar Association “ No work” to mourn the death of a lawyer, the file was posted on the next date i.e. on 17.03.2018. On 17.03.2018 the Presiding Officer was on casual leave and when he returned from leave, he immediately committed the case to the Court of Session. It has been submitted that earlier, the date on which the Hon’ble Court’s direction was received, he was on leave and the then I/c. Presiding Officer merely “seen the order” and the order was not brought to the notice of the court below. So, the Presiding Officer remained unaware of the specific direction of the Hon’ble Court.

In this manner, from the report of the court below it appears that the case was not committed even after about more than



nine months from the date of passing of order of this Court dated 24.04.2017 passed in Cr. Misc. 14640 of 2017.

This Court finds that the court below has taken the order of this Court very casually in negligent manner.

In such circumstances, put up this matter before the Hon’ble Inspecting Judge for appropriate action.

In the facts and circumstances stated above, this Court is not inclined to grant bail to the petitioner at this stage.

Prayer for bail of the petitioner stands rejected.

The court below will proceed in the trial expeditiously.

The petitioner is given liberty to renew the prayer for bail after six months if no substantive progress is made in the trial.

(Sanjay Priya, J)

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