

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.11460 of 2015**

Arising Out of PS.Case No. -245 Year- 2010 Thana -CIVIL LINE District- GAYA

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1. Navin Chandra Sinha, s/o late Nagendra Nath Sinha, resident of Mohalla - Kalibari Samir Takiya, P.S. - Civil Lines, District - Gaya.
  2. Suresh Kumar, S/o Ramrup Singh, resident of Mohalla - Bhakharua More, P.S. - Daudnagar, District - Aurangabad.
  3. Jitendra Kumar @ Jitendra Sharma, S/o Madan Sharma, resident of Mohalla - Patel Nagar, P.S. - Daudnagar, District - Aurangabad.
  4. Upendra Kumar, S/o Ramdas Mauar, resident of Village - Bhakharua, P.S. - Daudnagar, District - Aurangabad.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL JUDGMENT**

**Date: 26-02-2018**

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 13.02.2015 passed by the learned Additional Sessions Judge-VI, Gaya, in Sessions Trial No. 14 of 2014/312 of 2014 arising out of Civil Lines P.S. Case No. 245 of 2010 by which the learned Sessions Judge has rejected the petition for discharge under Section 227 Cr. P.C.

2. Report has been called for from the court below which has been received.

3. From the report, it appears that charge has already



been framed in this case for the offence under Sections 302/34 and 120(B) of the Indian Penal Code by order dated 11.09.2015. The case is pending for evidence. In the report it is mentioned that not a single witness has been examined in the case.

4. Therefore, this Court is not inclined to interfere with the impugned order.

5. This Criminal Miscellaneous application is disposed off with direction to District & Sessions Judge, Gaya, to personally monitor the disposal of the case and ensure that case is taken up regularly for evidence after giving short adjournment by the trial court concerned. The trial court will make all efforts to conclude the trial as early as possible preferably within a period of 6 months from the date of receipt of this order and send report to this Court.

6. The learned Sessions Judge will ensure that the case is not transferred to any vacant court. From the report it appears that case remained in vacant court for long period.

7. This application is accordingly disposed off with aforesaid observation.

**(Sanjay Priya, J)**

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